

Dear Senators GUTHRIE, Den Hartog, Jordan, and
Representatives BOYLE, Troy, Erpelding:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Department of Agriculture:

IDAPA 02.06.01 - Rules Governing the Production and Distribution of Seed (New Chapter, Fee
Rule) - Proposed Rule (Docket No. 02-0601-1901);

IDAPA 02.06.02 - Rules Governing Registrations and Licenses (New Chapter, Fee Rule) - Proposed
Rule (Docket No. 02-0602-1902);

IDAPA 02.06.04 - Rules Governing Plant Exports (New Chapter, Fee Rule) - Proposed Rule (Docket
No. 02-0604-1901).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 12/09/2019. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 01/08/2020.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Agricultural Affairs Committee and the House Agricultural Affairs Committee

FROM: Deputy Division Manager - Katharine Gerrity

DATE: November 19, 2019

SUBJECT: Department of Agriculture

IDAPA 02.06.01 - Rules Governing the Production and Distribution of Seed (New Chapter, Fee Rule) - Proposed Rule (Docket No. 02-0601-1901)

IDAPA 02.06.02 - Rules Governing Registrations and Licenses (New Chapter, Fee Rule) - Proposed Rule (Docket No. 02-0602-1902)

IDAPA 02.06.04 - Rules Governing Plant Exports (New Chapter, Fee Rule) - Proposed Rule (Docket No. 02-0604-1901)

1. IDAPA 02.06.01 - Rules Governing the Production and Distribution of Seed (New Chapter, Fee Rule)

Summary and Stated Reasons for the Rule

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.06.01 - Rules Governing the Production and Distribution of Seed. This is a new chapter and a fee rule. According to the department, three rules administered by it are related to the regulation of seed production. The department states that in order to streamline and simplify rules related to seed production, it has decided to combine all three rules into a single rule. The department notes that no substantive changes are being made to any of the rules that are being combined and that the rules were reviewed for amendment or repeal of select sections in order to comply with the Red Tape Reduction Act. The department adds that the rule, in its entirety, regulates an activity not regulated by the federal government.

The department states that fees included in the original rules have not been changed in the new combined rule.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted.

Statutory Authority

The rulemaking appears to be authorized pursuant to Sections 22-108, 22-418, 22-2004, and 22-2006, Idaho Code.

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
www.legislature.idaho.gov

2. IDAPA 02.06.02 - Rules Governing Registrations and Licenses (New Chapter, Fee Rule)

Summary and Stated Reasons for the Rule

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.06.02 - Rules Governing Registrations and Licenses. This is a new chapter and a fee rule. According to the department, five rules administered by it either require a license or registration of certain agricultural activities or agricultural products. The department notes that in order to streamline and simplify rules related to licenses and registration, it has decided to combine all five rules into a single rule. The department adds that no substantive changes are being made to the five rules that are being combined and that all rules were reviewed for amendment or repeal of select sections in order to comply with the Red Tape Reduction Act. The department states that the rule, in its entirety, regulates an activity not regulated by the federal government.

The department states that fees included in the original rules have not been changed in the combined rule.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted.

Statutory Authority

The rulemaking appears to be authorized pursuant to Sections 22-604, 22-2204, 22-2303, 22-2511, and 25-2710, Idaho Code.

3. IDAPA 02.06.04 - Rules Governing Plant Exports (New Chapter, Fee Rule)

Summary and Stated Reasons for the Rule

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.06.04 - Rules Governing Plant Exports. This is a new chapter and a fee rule. According to the department, three rules administered by it are related to plant exports. The department states that in order to streamline and simplify rules related to plant exports, it has decided to combine all three rules into a single rule. The department notes that no substantive changes are being made to the three rules that are being combined and that all rules were reviewed for amendment or repeal of select sections in order to comply with the Red Tape Reduction Act. The department adds that the rule, in its entirety, regulates an activity not regulated by the federal government.

The department states that fees included in the original rules have not been changed in the combined rule.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted.

Statutory Authority

The rulemaking appears to be authorized pursuant to Sections 22-107, 22-112, and 22-2303, Idaho Code.

cc: Department of Agriculture
Brian J. Oakey

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.06.01 – RULES GOVERNING THE PRODUCTION AND DISTRIBUTION OF SEED

DOCKET NO. 02-0601-1901 (NEW CHAPTER, FEE RULE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 22-108(2), 22-418(4), 22-418(11), 22-2004, and 22-2006, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

PUBLIC HEARING

Thursday, November 14, 2019 @ 9:00 a.m.

**Idaho State Department of Agriculture
2270 Old Penitentiary Road
Boise, ID 83712**

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking: Three rules administered by the ISDA are related to the regulation of seed production. These rules are IDAPA 02.06.01, “Rules Governing the Pure Seed Law,” and IDAPA 02.06.13, “Rules Relating to Rapeseed Production and Establishment of Rapeseed Districts in the State of Idaho,” and IDAPA 02.06.14, “Rules Governing Bluegrass.” The rules were promulgated to carry out the requirements described in Title 22, Chapters 1, 4, and 20, Idaho Code. In order to streamline and simplify rules related to seed production, the ISDA has decided to combine all three rules into a single rule to be titled “*02.06.01, Rules Governing the Production and Distribution of Seed.*” No substantive change are being made to the rules cited above. All rules were reviewed for amendment or repeal of select sections in order to comply with the Red Tape Reduction Act.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: Fees included in the original rules have not been changed in the new combined rule. Fees associated with these rules are imposed pursuant to Sections 22-108 and 22-2006, Idaho Code.

IDAHO CODE SECTION 22-101A STATEMENT: Section 22-101A, Idaho Code, requires that in this notice of proposed rulemaking, the Director must specify whether this rule is broader in scope or more stringent than federal law or regulations, or regulates an activity not regulated by the federal government. This Rule, in its entirety, regulates an activity not regulated by the federal government.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

There is no change in fiscal impact as a result of this consolidation rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted on September 18, 2019. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the September 4, 2019 Idaho Administrative Bulletin, [Vol. 19-9, Page 15-19](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: This section is not applicable because there are no materials incorporated by reference into this rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lloyd Knight, (208) 332-8664.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 27, 2019.

Dated this 3rd day of October, 2019.

Brian Oakey
Deputy Director
Idaho Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, Idaho 83707
Phone: (208) 332-8552
Fax: (208) 334-2710

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 02-0601-1901
(New Chapter)

02.06.01 – RULES GOVERNING THE PRODUCTION AND DISTRIBUTION OF SEED

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 22-108(2), 22-418(4), 22-418(11), 22-2004 and 22-2006, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. The title of this chapter is “Rules Governing the Production and Distribution of Seed.” ()

02. Scope. These rules govern procedures for sale or distribution of seed in Idaho, including rapeseed and bluegrass. These rules will also establish seed service testing fees for purity, germination, tetrazolium and special tests. ()

002. -- 109. (RESERVED)

SUBCHAPTER A – PURE SEED

110. DEFINITIONS.

In addition to the definitions set forth in Section 22-414, Idaho Code, the definition in Section 110 apply to the interpretation and enforcement of Subchapter A only: ()

01. Condition. “Condition” means drying, cleaning, scarifying and other operations that could change the purity or germination of the seed and require the seed lot to be retested to determine the label information. ()

111. (RESERVED)

112. METHODS OF SAMPLING -- GENERAL PROCEDURE.

01. Sample. In order to secure a representative sample, equal portions are taken from evenly distributed parts of the quantity of seed or screenings to be sampled with access to all parts of that quantity. When more than one (1) trierful of seed is drawn from a bag, different paths will be followed. When more than one (1) handful is taken from a bag, the handfuls will be taken from well-separated points. ()

02. Free Flowing Seed. For free-flowing seed in bags or bulk, a probe or trier is used. For small free-flowing seed in bags a probe or trier long enough to sample all portions of the bag is used. ()

03. Non-Free Flowing Seed. Non-free-flowing seed, such as certain grass seed, uncleaned seed or screenings difficult to sample with a probe or trier, is sampled by thrusting the hand into the bulk and withdrawing representative portions. The hand is inserted in an open position and the fingers are held closely together while the hand is being inserted and the portion withdrawn. ()

04. Composite Samples. Composite samples will be obtained to determine the quality of a lot of seed (i.e., percentages of pure seed, other crop seed, weed seed, inert matter and germination). Individual bag samples may be obtained to determine if the lot of seed is uniform. ()

a. To determine if there is an obvious lack of uniformity of seed from which a composite sample is being obtained, each portion will be examined and the portions then combined to form a composite sample or samples. ()

b. If the lot is found not to be uniform when obtaining a composite sample to determine its quality then additional individual bag samples are taken for the purpose of testing for uniformity. ()

c. Such individual bag samples may also be taken for the purpose of testing for uniformity even though a composite sample has not previously been obtained. The identity of each individual bag sample must be maintained. ()

05. Bulk. Bulk seed or screenings are sampled by inserting a long probe or thrusting the hand into the bulk, as circumstances require, in at least seven (7) uniformly distributed parts of the quantity being sampled. At least as many trierfuls or handfuls are taken as the minimum that would be required for the same quantity of seed or screenings in bags of a size customarily used for such seed or screenings. ()

06. Bags. ()

a. For lots of six (6) bags or less, each bag will be sampled with a total of at least five (5) trierfuls taken. ()

b. For lots of more than six (6) bags, five (5) bags plus at least ten percent (10%) of the number of bags in the lots will be sampled. (Round off numbers with decimals to the nearest whole number, raising five tenths (.5) to the next whole number.) Regardless of the lot size it is not necessary that more than thirty (30) bags be sampled. ()

c. Samples are drawn from unopened bags except under circumstances where the identity of the seed has been preserved. ()

07. Packets. In sampling seed in packets, entire unopened packets are taken. ()

08. Size of Sample. ()

a. For composite sample to test for quality, the following are minimum weights for samples of seed to be submitted for analysis, test or examination ()

i. Two (2) ounces (approximately fifty five (55) grams) of grass seed not otherwise mentioned, white or alsike clover, or seeds not larger than these. ()

- ii. Five (5) ounces (approximately one hundred fifty (150) grams) of red or crimson clover, alfalfa, lespedezas, ryegrasses, bromegrasses, millet, flax, rape, or seeds of similar size. ()
 - iii. One (1) pound of Sudangrass, sorghum, proso, hemp seed, or seeds of similar size. ()
 - iv. Two (2) pounds (approximately one thousand (1,000) grams) of cereals, vetches, or seeds of similar or larger size. ()
 - b. For individual bag samples to test for uniformity. ()
 - i. The size of any individual bag sample to determine uniformity in a lot of seed is not less than the quantities set out in the “Rules and Regulations, under the Federal Seed Act” (53 Statute 1275) (Subsection 201.46). ()
 - ii. If the sample drawn is larger than desired, it is thoroughly mixed before it is divided to the desired size. ()
- 09. Forwarding and Receipt of Official Samples.** Before being forwarded for analysis test or examination, the containers of official samples shall be properly sealed and identified with the containers of official samples initialed and dated and the sample weighed by the person who breaks the seals. ()

113. -- 119. (RESERVED)

120. GERMINATION STANDARDS FOR VEGETABLE SEEDS.
 Includes hard seed.

	Percent
Artichoke	60
Asparagus	70
Asparagusbean	75
Bean, garden	70
Bean, lima	70
Bean, runner	75
Beet	65
Broadbean	75
Broccoli	75
Brussels sprouts	70
Burdock, great	60
Cabbage	75
Cabbage, tronchuda	75
Cantaloupe (See muskmelon)	
Cardoon	60
Carrot	55
Cauliflower	75

	Percent
Eggplant	60
Endive	70
Kale	75
Kale, Chinese	75
Kohlrabi	75
Leek	60
Lettuce	80
Muskmelon	75
Mustard, India	75
Mustard, spinach	75
Okra	50
Onion	70
Onion, Welsh	70
Pak-choi	75
Parsley	60
Parsnip	60
Pea	80

	Percent
Celeriac	55
Celery	55
Chard, Swiss	65
Chicory	65
Chinese Cabbage	75
Chives	50
Citron	65
Collards	80
Corn, sweet	75
Cornsalad	70
Cowpea	75
Cress, garden	75
Cress, upland	60
Cress, water	40
Cucumber	80
Dandelion	60

	Percent
Pepper	55
Pumpkin	75
Radish	75
Rhubarb	60
Rutabaga	75
Salsify	75
Sorrel	65
Soybean	75
Spinach	60
Spinach, New Zealand	40
Squash	75
Tomato	75
Tomato, husk	50
Turnip	80
Watermelon	70

()

121. -- 129. (RESERVED)

130. GERMINATION STANDARDS FOR FLOWER SEEDS.

The kinds of flower seeds listed below are those for which standard testing procedures have been prescribed by the Association of Official Seed Analysts (AOSA) and that are required by the labeling provisions of Section 22-415, Idaho Code. The percentage listed opposite each kind is the germination standard for that kind. For the kinds marked with an asterisk, the percentage is arrived at by totaling the percent germination and percent hard seed. ()

01. Table 1.

Kind	Percent
Achillea (The Pearl) - <i>Achillea ptarmica</i>	50
African Daisy - <i>Dimorphotheca aurantiaca</i>	55
African Violet - <i>Saintpaulia</i> spp.	30
Ageratum - <i>Ageratum mexicanum</i>	60
Agrostemma (rose champion) - <i>Agrostemma coronaria</i>	65
Alyssum - <i>Alyssum campactum</i> , <i>A. maritimum</i> , <i>A. procumbens</i> , <i>A. saxatile</i>	60
Amaranthus - <i>Amaranthus</i> spp.	65
Anagalis (pimpernel) - <i>Anagalis arvensis</i> , <i>Anagalis coerulea</i> , <i>Anagalis grandiflora</i>	60

Kind	Percent
Anemone - Anemone coronaria, A. pulsatilla	55
Angel's Trumpet - Datura arborea	60
Arabis - Arabis alpina	60
Arctotis (African lilac daisy) - Arctotis grandis	45
Armeria - Armeria formosa	55
Asparagus, fern - Asparagus plumosus	50
Asparagus, sprenger - Asparagus sprengeri	55
Aster, China - Callistephus chinensis; except Pompon, Powderpuff, and Princess types	55
Aster, China - Callistephus chinensis; Pompon, Powderpuff, and Princess types	50
Aubretia - Aubretia deltoides	45
Baby Smilax - Asparagus asparagoides	25
Balsam - Impatiens balsamina	70
Begonia - Begonia fibrous rooted	60
Begonia - Begonia tuberous rooted	50
Bells of Ireland - Molucella laevis	60
Brachycome (swan river daisy) - Brachycome iberidifolia	60
Browallia - Browallia elata and B. speciosa	65
Buphthalmum (sunwheel) - Buphthalmum salicifolium	60
Calceolaria - Calceolaria spp.	60
Calendula - Calendula officinalis	65
California Poppy - Eschscholtzia californica	60
Calliopsis - Coreopsis bicolor, C. drummondii, C. elegans	65
Campanula: Canterbury Bells - Campanula medium	60
Cup and Saucer Bellflower - Campanula medium calycanthemata	60
Carpathian Bellflower - Campanula carpatica	50
Peach Bellflower - Campanula persicifolia	50
Candytuft, Annual - Iberis amara, I. umbellata	65
Candytuft, Perennial - Iberis gibraltarica, I. sempervirens	55
*Castor Bean - Ricinus communis	60
Cathedral Bells - Cobaea scandens	65
Celosia - Celosia argentea	65

Kind	Percent
Centaurea: Basket Flower - <i>Centaurea americana</i> , Cornflower - <i>C. cyanus</i> , Dusty Miller - <i>C. candidissima</i> , Royal Centaurea - <i>C. imperialis</i> , Sweet Sultan - <i>C. moschata</i> , Velvet Centaurea - <i>C. gymnocarpa</i>	60
Cerastium (snow-in-summer) - <i>Cerastium biebersteini</i> and <i>C. tomentosum</i>	65
Chinese Forget-me-not - <i>Cynoglossum amabile</i>	55
Chrysanthemum, Annual - <i>Chrysanthemum carinatum</i> , <i>C. coronarium</i> , <i>C. segetum</i>	40
Cineraria - <i>Senecio cruentus</i>	60
Clarkia - <i>Clarkia elegans</i>	65
Cleome - <i>Cleome gigantea</i>	65
Coleus - <i>Coleus blumei</i>	65
Columbine - <i>Aquilegia</i> spp.	50
Coral Bells - <i>Heuchera sanguinea</i>	55
Coreopsis, Perennial - <i>Coreopsis lanceolata</i>	40
Corn, ornamental - <i>Zea mays</i>	75
Cosmos: Sensation, Mammoth and Crested types - <i>Cosmos bipinnatus</i> ; Klondyke type - <i>C. sulphureus</i>	65
Crossandra - (<i>Crossandra infundibuliformis</i>)	50
Dahlia - <i>Dahlia</i> spp.	55
Daylily - <i>Hemerocallis</i> spp.	45
Delphinium, Perennial: Belladonna and Bellamosum types; Cardinal Larkspur - <i>Delphinium cardinale</i> ; Chinensis types; Pacific Giant, Gold Medal and other hybrids of <i>D. elatum</i>	55
Dianthus: Carnation - <i>Dianthus caryophyllus</i> China Pinks - <i>Dianthus chinensis</i> , <i>heddewigi</i> , <i>heddensis</i> Grass Pinks - <i>Dianthus plumarius</i> Maiden Pinks - <i>Dianthus deltoides</i> Sweet William - <i>Dianthus barbatus</i> Sweet Wivelsfield - <i>Dianthus allwoodi</i>	60 70 60 60 70 60
Didiscus - (blue lace flower) - <i>Didiscus coerulea</i>	65
Doronicum (leopard's bane) - <i>Doronicum caucasicum</i>	60
Dracaena - <i>Dracaena indivisa</i>	55

Kind	Percent
Dragon Tree - <i>Dracaena draco</i>	40
English Daisy - <i>Bellis perennis</i>	55
Flax - Golden flax (<i>Linum flavum</i>); Flowering flax <i>L. grandiflorum</i> ; Perennial flax, <i>L. perenne</i>	60
Flowering Maple - <i>Abutilon</i> spp.	35
Foxglove - <i>Digitalis</i> spp.	60
Gaillardia, Annual - <i>Gaillardia pulchella</i> ; <i>G. picta</i> ; Perennial - <i>G. grandiflora</i>	45
Gerbera (transvaal daisy) - <i>Gerbera jamesoni</i>	60
Geum - <i>Geum</i> spp.	55
Gilia - <i>Gilia</i> spp.	65
Gloriosa daisy (<i>rudbeckia</i>) - <i>Echinacea purpurea</i> and <i>Rudbeckia hirta</i>	60
Gloxinia - (<i>Sinningia speciosa</i>)	40
Godetia - <i>Godetia amoena</i> , <i>G. grandiflora</i>	65
Gourds: Yellow Flowered - <i>Cucurbita pepo</i> ; White Flowered - <i>Lagenaria siceraria</i> ; Dishcloth - <i>Luffa cylindrica</i>	70
Gypsophila: Annual Baby's Breath - <i>Gypsophila elegans</i> ; Perennial Baby's Breath - <i>G. paniculata</i> , <i>G. pacifica</i> , <i>G. repens</i>	70
Helenium - <i>Helenium autumnale</i>	40
Helichrysum - <i>Helichrysum monstrosum</i>	60
Heliopsis - <i>Heliopsis scabra</i>	55
Heliotrope - <i>Heliotropium</i> spp.	35
Helipterum (<i>Acroclinium</i>) - <i>Helipterum roseum</i>	60
Hesperis (sweet rocket) - <i>Hesperis matronalis</i>	65
*Hollyhock - <i>Althea rosea</i>	65
Hunnemania (Mexican tulip poppy) - <i>Hunnemania fumariaefolia</i>	60
*Hyacinth bean - <i>Dolichos lablab</i>	70
Impatiens - <i>Impatiens holstii</i> , <i>I. sultani</i>	55
*Ipomea - Cypress Vine - <i>Ipomea quamoclit</i> ; Moonflower - <i>I. noctiflora</i> ; Morning Glories, Cardinal Climber, Hearts and Honey Vine - <i>Ipomea</i> spp.	75

Kind	Percent
Jerusalem cross (maltese cross) - <i>Lychnis chalcedonica</i>	70
Job's Tears - <i>Coix lacrymajobi</i>	70
Kochia - <i>Kochia childsii</i>	55
Larkspur, Annual - <i>Delphinium ajacis</i>	60
Lantana - <i>Lantana camara</i> , <i>L. hybrida</i>	35
Lilium (regal lily) - <i>Lilium regale</i>	50
Linaria - <i>Linaria</i> spp.	65
Lobelia, Annual - <i>Lobelia erinus</i>	65
Lunaria, Annual - <i>Lunaria annua</i>	65
*Lupine - <i>Lupinus</i> spp.	65
Marigold - <i>Tagetes</i> spp.	65
Marvel of Peru - <i>Mirabilis jalapa</i>	60
Matricaria (feverfew) - <i>Matricaria</i> spp.	60
Mignonette - <i>Reseda odorata</i>	55
Myosotis - <i>Myosotis alpestris</i> , <i>M. oblongata</i> , <i>M. palustris</i>	50
Nasturtium - <i>Tropaeolum</i> spp.	60
Nemesia - <i>Nemesia</i> spp.	65
Nemophila - <i>Nemophila insignis</i>	70
Nemophila, spotted - <i>Nemophila maculata</i>	60
Nicotiana - <i>Nicotiana affinis</i> , <i>N. sanderae</i> , <i>N. sylvestris</i>	65
Nierembergia - <i>Nierembergia</i> spp.	55
Nigella - <i>Nigella damascena</i>	55
Pansy - <i>Viola tricolor</i>	60
Penstemon - <i>Penstemon barbatus</i> , <i>P. grandiflorus</i> , <i>P. laevigatus</i> , <i>P. pubescens</i>	60
Petunia - <i>Petunia</i> spp.	45
Phacelia - <i>Phacelia campanularia</i> , <i>P. minor</i> , <i>P. tanacetifolia</i>	65
Phlox, Annual - <i>Phlox drummondii</i> all types and varieties	55
Physalis - <i>Physalis</i> spp.	60
Platycodon (balloon flower) - <i>Platycodon grandiflorum</i>	60
Plumbago, cape - <i>Plumbago capensis</i>	50
Ponytail - <i>Beaucarnea recurvata</i>	40

Kind	Percent
Poppy: Shirley Poppy - <i>Papaver rhoeas</i> ; Iceland Poppy - <i>P. nudicaule</i> ; Oriental Poppy - <i>P. orientale</i> ; Tulip Poppy - <i>P. glaucum</i>	60
Portulace - <i>Portulace grandiflora</i>	55
Primula (Primrose) - <i>Primula</i> spp.	50
Pyrethrum (painted daisy) - <i>Pyrethrum coccineum</i>	60
Salpiglossis - <i>Salpiglossis gloxinaeflora</i> , <i>S. sinuata</i>	60
Salvia: Scarlet Sage - <i>Salvia splendens</i> ; Mealycup Sage (blue bedder) - <i>Salvia farinacea</i>	50
Saponaria - <i>Saponaria ocymoides</i> , <i>S. vaccaria</i>	60
Scabiosa, Annual - <i>Scabiosa atropurpurea</i>	50
Scabiosa, Perennial - <i>Scabiosa caucasica</i>	40
Schizanthus - <i>Schizanthus</i> spp.	60
*Sensitive plant (mimosa) - <i>Mimosa pudica</i>	65
Shasta Daisy - <i>Chrysanthemum maximum</i> , <i>C. leucanthemum</i>	65
Silk Oak - <i>Grevillea robusta</i>	25
Snapdragon - <i>Antirrhinum</i> spp.	55
Solanum - <i>Solanum</i> spp.	60
Statice - <i>Statice sinuata</i> , <i>S. suworonii</i> (flower heads)	50
Stocks: Common - <i>Mathiola incana</i> ; Evening Scented - <i>Mathiola bicornis</i>	65
Sunflower - <i>Helianthus</i> spp.	70
Sunrose - <i>Helianthemum</i> spp.	30
*Sweet Pea, Annual and Perennial other than dwarf bush - <i>Lathyrus odoratus</i> , <i>L. latifolius</i>	75
*Sweet Pea, dwarf bush - <i>Lathyrus odoratus</i>	65
Tahoka daisy - <i>Machaeathera tanacetifolia</i>	60
Thunbergia - <i>Thunbergia alata</i>	60
Torch Flower - <i>Tithonia speciosa</i>	70
Torenia (wishbone flower) - <i>Torenia fournieri</i>	70
Tritoma Kniphofia spp.	65
Verbena, Annual - <i>Verbena hybrida</i>	35
Vinca - <i>Vinca rosea</i>	60

Kind	Percent
Viola - Viola cornuta	55
Virginian stocks - Malcolmia maritima	65
Wallflower - Cheiranthus allioni	65
Yucca (Adam's needle) - Yucca filamentosa	50
Zinnia (except Linearis and Creeping) - Zinnia angustifolia, Z. elegans, Z. grandiflora, Z. gracillima, Z. haegeana, Z. multiflora, Z. pumila	65
Zinnia, Linearis and Creeping - Zinnia linearis, Sanvitalia procumbens	50
All other kinds	50

()

02. Below Standard. A mixture of kinds of flower seeds will be considered to be below standard if the germination of any kind or combination of kinds constituting twenty-five percent (25%) or more of the mixture by number is below standard for the kind or kinds involved. ()

131. -- 139. (RESERVED)

140. GERMINATION STANDARDS FOR SEED IN HERMETICALLY SEALED CONTAINERS.

The period of validity of germination tests is extended to the following period for seed packaged in hermetically sealed containers under conditions and label requirements set forth in Subchapter A. ()

01. Germination Tests. The germination test for agricultural and vegetable seed shall have been completed within the following period, exclusive of the calendar month in which the test was completed, immediately prior to shipment, delivery, transportation or sales: ()

a. In the case of agricultural or vegetable seeds shipped, delivered, transported or sold to a dealer for resale, eighteen (18) months; ()

b. In the case of agricultural or vegetable seeds for sale or sold at retail, thirty-six (36) months. ()

02. Conditions of Packaging. The following standards, requirements, conditions must be met before seed is considered to be hermetically sealed under the provisions of Subchapter A: ()

a. The seed was packaged within nine months after harvest. ()

b. The container used does not allow water vapor penetration through any wall, including the seals, greater than five hundredths (0.05) gram of water per twenty-four (24) hours per one hundred (100) square inches of surface at one hundred degrees F. (100F) with a relative humidity on one side of ninety percent (90%) and on the other of zero percent (0%). Water vapor penetration or WVP is measured by the standards of the U.S. Bureau of Standards as-gm. H2O/24 hr./100 sq. in./100 F/ 90% RHV. 0% RH. ()

03. Moisture. The seed in the container does not exceed the percentage of moisture, on a wet weight basis, as listed below: ()

a. Table 1.

Agricultural Seeds	Percent
Beet, field	7.5
Beet, sugar	7.5
Bluegrass, Kentucky	6.0
Clover, crimson	8.0
Fescue, red	8.0
Ryegrass, annual	8.0
Ryegrass, perennial	8.0
All other agricultural seeds	6.0
Mixtures of above	8.0

()

b. Table 2.

Vegetable Seeds	Percent
Bean, garden	7.0
Bean, lima	7.0
Beet	7.5
Broccoli	5.0
Brussels sprouts	5.0
Cabbage	5.0
Carrot	7.0
Cauliflower	5.0
Celeriac	7.0
Celery	7.0
Chard, Swiss	7.5
Chinese cabbage	5.0
Chives	6.5
Collards	5.0
Corn, sweet	8.0
Cucumber	6.0
Eggplant	6.0
Kale	5.0
Kohlrabi	5.0
Leek	6.5

Vegetable Seeds	Percent
Lettuce	5.5
Muskmelon	6.0
Mustard, India	5.0
Onion	6.5
Onion, Welsh	6.5
Parsley	6.5
Parsnip	6.0
Pea	7.0
Pepper	4.5
Pumpkin	6.0
Radish	5.0
Rutabaga	5.0
Spinach	8.0
Squash	6.0
Tomato	5.5
Turnip	5.0
Watermelon	6.5
All other vegetable seeds	6.0

()

04. Labeling. The container is conspicuously labeled in not less than eight (8) point type to indicate that the container is hermetically sealed, that the seed has been preconditioned as to moisture content, and the calendar month and year in which the germination test was completed. ()

05. Germination. The percentage of germination of seed at the time of packaging was equal to or above the standards specified elsewhere in Subchapter A of these rules. ()

141. -- 149. (RESERVED)

150. NOXIOUS WEEDS.

01. Prohibited Noxious Weed Seeds -- Table 1.

Common Name	Scientific Name
1. Beancaper, Syrian	1. <i>Zygophyllum fabago L.</i>
2. Bindweed, Field	2. <i>Convolvulus arvensis L.</i>
3. Buffalobur	3. <i>Solanum rostratum Dun.</i>
4. Bursage, Skeleton leaf	4. <i>Ambrosia tomentosa Nutt.</i>
5. Camelthorn	5. <i>Alhagi camelorum Fisch.</i>

Common Name	Scientific Name
6. Carrot, Wild	6. <i>Daucus carota</i> L.
7. Cress, Hoary	7. <i>Cardaria draba</i> (L.) Desv.
8. Crupina, Common	8. <i>Crupina vulgaris</i> Cass.
9. Fieldcress, Austrian	9. <i>Rorippa austriaca</i> (Crantz) Bess.
10. Goatgrass	10. <i>Aegilops cylindrica</i> Host
11. Groundcherry, Smooth	11. <i>Physalis subglabrata</i> Mackenz. & Bush
12. Henbane, Black	12. <i>Hyoscyamus niger</i> L.
13. Johnsongrass	13. <i>Sorghum halepense</i> L.
14. Knapweed, Diffuse	14. <i>Centaurea diffusa</i> Lam.
15. Knapweed, Russian	15. <i>Centaurea repens</i> L.
16. Knapweed, Spotted	16. <i>Centaurea maculosa</i> Lam.
17. Lythrum, Purple	17. <i>Lythrum salicaria</i> L.
18. Nightshade, Silverleaf	18. <i>Solanum elaeagnifolium</i> Cav.
19. Pepperweed, Perennial	19. <i>Lepidium latifolium</i> L.
20. Poison-Hemlock	20. <i>Conium maculatum</i> L.
21. Puncturevine	21. <i>Tribulus terrestris</i> L.
22. Quackgrass	22. <i>Elytrigia repens</i> ; <i>Agropyron repens</i> (L.) Beauv.
23. Ragwort, Tansy	23. <i>Senecio jacobaea</i> L.
24. Skeletonweed, Rush	24. <i>Chondrilla juncea</i> L.
25. Sowthistle, Perennial	25. <i>Sonchus arvensis</i> L.
26. Spurge, Leafy	26. <i>Euphorbia esula</i> L.
27. St. Johnswort, Common	27. <i>Hypericum perforatum</i> L.
28. Starthistle, Yellow	28. <i>Centaurea solstitialis</i> L.
29. Swainsonpea	29. <i>Sphaerophys salsula</i> (Pall.) DC; <i>Swainsona salsula</i> (Pallas) Taubert
30. Thistle, Canada	30. <i>Cirsium arvense</i> (L.) Scop.
31. Thistle, Musk	31. <i>Carduus nutans</i> L.
32. Thistle, Scotch	32. <i>Onopordum acanthium</i> L.
33. Toadflax, Dalmatian	33. <i>Linaria genistifolia</i> spp. <i>dalmatica</i> (L.) Maire & Petitmengin
34. Toadflax, Yellow	34. <i>Linaria vulgaris</i> Mill.
35. Woad, Dyers	35. <i>Isatis tinctoria</i> L.

()

02. Restricted Noxious Weed Seeds -- Table 2.

Common Name	Scientific Name
1. Dodder	1. <i>Cuscuta</i> spp.
2. Halogeton	2. <i>Halogeton glomeratus</i> (Stephen ex Bieb.) C.A. Mey
3. Lettuce, Blue	3. <i>Lactuca pulchella</i> (Pursch) DC.
4. Oats, Wild	4. <i>Avena fatua</i> L.
5. Plantain, Buckhorn	5. <i>Plantago lanceolata</i> L.
6. Ragweed, Western and Perennial	6. <i>Ambrosia psilostachya</i> DC., (T. & G.) Farw.
7. Rye, Medusahead	7. <i>Taeniatherum caput-medusae</i> (L.) Nevski; <i>Elymus caput-medusae</i> (L.)
8. Sumpweed, Poverty	8. <i>Iva axillaris</i> Pursh

()

03. Restricted Noxious Weed Tolerances.

()

a. Seven (7) seeds in fifty (50) grams of Agrotis species, Poa species, Rhodes grass, Bermudagrass, timothy, celery, and other agricultural or vegetable seeds of similar size and weight, within this group. ()

b. Seven (7) seeds in each fifty (50) grams of Dallisgrass, ryegrass, fescue species, foxtail millets, alfalfa, red clover, sweetclover, lespedeza, bromegrass, Brassica species, carrot, onion, and other agricultural or vegetable seeds of similar size and weight or mixtures within this group, or mixtures of this group with those in group A. ()

c. Seven (7) seeds in fifty (50) grams of alsike clover, white clover, and other agricultural or vegetable seeds of similar size and weight or mixtures within this group, with those in group A or group B. ()

d. Eight (8) seeds in one hundred fifty (150) grams of Proso millet, Sudangrass, and seeds of similar size and weight, or mixtures of seed within this group. ()

e. Forty-five (45) seeds in each pound for all wheatgrass species. ()

f. Four (4) seeds in each five hundred (500) grams of wheat, oats, rye, barley, buckwheat, sorghums, vetches, field peas, and other seeds of a size and weight similar to or greater than those within this group, or any mixtures within this group. ()

g. Containing more than one percent (1%) by weight of weed seeds including restricted noxious weed seeds referred to in Section 22-414(18)(b), Idaho Code, provided, that three percent (3%) of cheat, chess, or downy brome will be allowed in grass seed in which these weeds are found. ()

151. -- 159. (RESERVED)

160. LABEL REQUIREMENTS OF SEEDS FOR SPROUTING.

The following information shall be indicated on all labels of seeds sold for sprouting in health food stores or other outlets: ()

01. Name. Commonly accepted name of kind. ()

02. Lot. Lot number. ()

03. Percentage. Percentage by weight of the pure seed, crop seeds, inert matter, and weed seeds if required. ()

04. Germination Percentage. Percentage of germination. ()

05. Date. The calendar month and year the test was completed to determine such percentage. ()

161. -- 169. (RESERVED)

170. VIABILITY BY TZ%.

A TZ (tetrazolium) test may be used in lieu of germination for the following species with the label reading “viability by TZ%”: Bitterbrush; Saltbush; Sagebrush; Indian Ricegrass; and Winterfat. ()

171. -- 179. (RESERVED)

180. METHODS OF TESTING.

All methods used in testing and analyzing seed subject to Subchapter A and the tolerances used in the enforcement of Subchapter A shall conform as nearly as practicable to the current “Rules for Testing Seed adopted by the Association of Official Seed Analysts” (AOSA) file at the Idaho Department of Agriculture, State Seed Lab located at 2240 Kellogg Lane, Boise, Idaho 83712. ()

181. -- 189. (RESERVED)

190. SERVICE TESTING FEES -- PURITY, GERMINATION AND TETRAZOLIUM FEES.

Purity, Germination, and Tetrazolium Fees			
Kind of Seeds	Purity* \$/Unit	Germination \$/Unit	Tetrazolium** \$/Unit
AGRICULTURAL GRASS SEED			
Bluegrasses	\$45	\$25	\$40
Bromegrasses	\$38	\$24	\$40
Fescues	\$35	\$22	\$40
Orchardgrass	\$38	\$25	\$40
Ryegrasses	\$38	\$23***	\$40
Timothy	\$28	\$23	\$40
For all others the hourly rate will apply			
FIELD SEED			
Alfalfa, clovers and trefoils	\$20	\$17	\$40
Cereals (Barley, Oats, Rice, Rye, Triticale and Wheat	\$25	\$17	\$40
Beans	\$18	\$16	\$40
Corn (all types)	\$20	\$17	\$40
Peas, and Lentils	\$18	\$17.50	\$40
For all others the hourly rate will apply			

Purity, Germination, and Tetrazolium Fees			
Kind of Seeds	Purity* \$/Unit	Germination \$/Unit	Tetrazolium** \$/Unit
VEGETABLES, FLOWERS AND HERB SEED			
Brassica (Canola, Cauliflower, Broccoli, Radish, etc.)	\$40	\$17	\$50
Beets and Swiss chard	\$29	\$32	\$40
Carrots, celery, dill and parsley	\$27	\$20	\$40
Curcubits (Squash, melons, etc.)	\$25	\$20	\$40
Flowers (Bachelors button, poppy, etc.)	\$40	\$25	\$50
Lettuce, tomato, and pepper	\$25	\$20	\$40
Onion and Chives	\$25	\$20	\$40
For all others the hourly rate will apply			
TREE AND SHRUB SEED			
Bitterbrush	\$40	\$30	\$50
Saltbush	\$60	\$30	\$50
Chokecherry and Woods' rose	\$25	\$60	\$60
Serviceberry, cliff-rose and mahogany	\$30	\$30	\$40
Trees (Firs, pines, spruces, etc.)	\$25	\$30	\$40
For all others the hourly rate will apply			
RANGE AND NATIVE SEED			
Bluestems and grammas	Hourly Rate	\$30	\$50
Globemallow and penstemons	\$40	\$30	\$50
Kochia and forage Kochia	\$30	\$30	\$40
Rushes and Sedges	Hourly Rate	\$30	\$50
Sagebrush and Rabbitbrush	Hourly Rate	\$30	\$40
Wheatgrasses, wildryes, and squirreltail	\$40	\$25	\$40
Winterfat	Hourly Rate	\$30	Hourly Rate
For all others the hourly rate will apply			

* Samples with high levels of impurities (i.e. other crops, weeds, multiple florets, inert materials) requiring more than one (1) hour analyst time for purity testing will be charged the standard hourly rate of forty dollars (\$40) for each additional hour.

** For all samples submitted for a TZ or Germination test requiring more than one (1) hour for cleaning and/or preparing will be charged at the standard hourly rate of forty dollars (\$40) for each additional hour.

*** With germination fluorescence testing thirty dollars (\$30). ()

191. SERVICE TESTING FEES -- SPECIAL TESTS.

Special Testing Fees	
Test Procedures:	Fees \$/Unit
All States Noxious	\$25
Canada:	
Purity	\$13 - Added to purity fee
Germination	\$2.50 - Added to germination fee
Certified Grains	\$13 - Added to purity fee
Cold Test	\$23.50
Crop & Weed Check	\$24.50
Dormancy Percentage	\$10 - Minimum or Dormant % found x germination fee
E.C. Norms	\$20
Ergot Check	\$13.50
Noxious Weed Germination (Compost/Mulch, etc.)	\$18
Noxious Weed Purity (Hay, Straw, etc.)	\$40
Identification	\$5 - Minimum or hourly if necessary
Inventory Germinations (For Carryover Seed Only, when requested)	20% discount of listed germination fee; Available only for the months of March through July.
ISTA:	
Purity	\$13 - Added to purity fee
Germination	\$2.50 - Added to germination fee
Mixtures:	
Purity	\$12.50 - Added per kind exceeding 5%
Germination	\$12.50 - Added per kind exceeding 5%
Tetrazolium	\$18 - Added per kind exceeding 5%
Moisture Test	\$14
Round-Up-Ready Trait Test (Alfalfa, Canola, Corn)	\$40
Sand Germination	\$25
Seed Count	\$13.50
Soil Exam	\$13.50
Sod Quality:	
Bentgrass	\$66
Bermudagrass	\$64
Bluegrass	\$64

Special Testing Fees	
Test Procedures:	Fees \$/Unit
Soil Germination	\$23.50
Species Exam	\$24.50
Undesirable Grass Species	\$25.50

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192. SERVICE TESTING FEES -- MISCELLANEOUS FEES.

Miscellaneous Fees	
Type of Service:	Fees \$/Unit
Administrative Charge per Test for Internet Access and Data Processing.	Not to exceed \$2 per test
Hourly Charge	\$40
Reports:	
Merge Records	\$4
Rush Service	\$25

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193. -- (RESERVED)

194. SEED DEALER'S LICENSE FEES.

Seed dealers shall obtain a seed dealer's license for each location in Idaho before they can sell, offer for sale, expose for sale or deliver agricultural seeds in packages of eight (8) ounces or more or bulk under contract within the state of Idaho. Seed dealers pay only for the service or services they render according to the following fee schedule: ()

- 01. In-State Seed Dealer's License Fees:** ()
 - a.** License to condition or clean agricultural seeds in Idaho - one-hundred dollars (\$100). ()
 - b.** License to label container or bulk agricultural seeds for sale in Idaho - fifty dollars (\$50). ()
 - c.** License to sell, offer for sale, expose for sale, or deliver agricultural seeds in packages of eight (8) ounces or more or in bulk under a contract in Idaho: ()
 - i.** For annual gross sales of five hundred dollars (\$500) or more, but less than one thousand dollars (\$1,000) - fifty dollars (\$50). ()
 - ii.** For annual gross sales of one thousand dollars (\$1,000) or more - one hundred dollars (\$100). ()
- 02. Out-of-State Seed Dealer's License Fee.** Three hundred fifty dollars (\$350). ()
- 03. Exemptions.** ()
 - a.** Any person selling seed who has total annual gross seed sales not exceeding five hundred dollars

(\$500) is exempt from Section 194. ()

b. An in-state dealer or out-of-state dealer who sells, offers for sale, exposes for sale or delivers seed only in packages of less than eight (8) ounces is exempt from Section 194. ()

195. -- 209. (RESERVED)

SUBCHAPTER B – RAPESEED

210. DEFINITIONS.

The definitions in Section 210 apply to the interpretation and enforcement of Subchapter B only. ()

01. **Producer.** Any person who is the owner, tenant, or operator of land who has an interest in and is entitled to receive all or any part of the proceeds from the sale of any commodity produced on that land. ()

02. **Rapeseed.** Those species of *Brassica napus*, *Brassica rapa* (formerly *Brassica campestris*), and *Brassica juncea*. ()

03. **Types.** Those species and varieties of rapeseed classified as follows: ()

a. Edible: ()

i. Low Erucic Acid Rapeseed -- Low Glucosinolates (LEAR-LG), commonly called “canola,” is the seed of the species *Brassica napus*, *Brassica juncea*, or *Brassica rapa*, the oil components of which seed contain less than two percent (2.0%) erucic acid and the seed meal will contain less than thirty (30) micromoles of any one (1) or any mixture of 3-butenyl glucosinolate, 4-pentenyl glucosinolate, 2-hydroxy - 3-butenyl glucosinolate, and 2-hydroxy - 4 pentenyl glucosinolate per gram ($\mu\text{m/g}$) of air dry, oil free solid as determined by any approved method. ()

ii. Low Erucic Acid Rapeseed -- High Glucosinolates (LEAR-HG) Rapeseed varieties shall contain less than two percent (2.0%) erucic acid in the oil of the rapeseed and more than thirty (30) micromoles per one (1) gram ($\mu\text{m/g}$) glucosinolates in the rapeseed meal. ()

b. Industrial: ()

i. High Erucic Acid Rapeseed -- Low Glucosinolates (HEAR-LG) Rapeseed are rapeseed varieties used for production of industrial oil that shall contain erucic acid levels above forty percent (40%) in the oil of the rapeseed and less than thirty (30) micromoles per one (1) gram ($\mu\text{m/g}$) glucosinolates in the meal of the rapeseed. ()

ii. High Erucic Acid Rapeseed -- High Glucosinolates (HEAR-HG) Rapeseed are rapeseed varieties used for production of industrial oil that shall contain erucic acid levels above forty percent (40%) in the oil of the rapeseed and more than thirty (30) micromoles per one (1) gram ($\mu\text{m/g}$) glucosinolates in the meal of the rapeseed. ()

04. **Volunteer Rapeseed.** A plant that arises from accidental or unintentional scattering of seed. ()

05. **Condiment Mustard.** Varieties of *Brassica juncea* produced for seed to be used for spice or condiment. ()

06. **Green Manure Rapeseed.** Varieties of rapeseed used as a cover crop to be plowed down prior to flowering and maturity. ()

211. (RESERVED)

212. PRODUCTION DISTRICTS.

01. District I. All land in Idaho not listed under District II in Subsection 212.02 of Subchapter B. ()

02. District II. All land within the boundaries of Ada, Canyon, Gem, Owyhee (north of Murphy) and Payette counties. ()

213. -- 219. (RESERVED)

220. RESTRICTIONS.

01. District I. Except as otherwise provided in Subchapter B, industrial and edible types of rapeseed may be planted in District I. ()

02. District II. Except as otherwise provided in Subchapter B, no rapeseed of either variety may be planted in District II. ()

03. Restrictions: ()

a. Industrial types of rapeseed planted in District I must adhere to the following conditions: ()

i. It is the responsibility of the person planting industrial types of rapeseed in District I to consult with and obtain the written approval from all farmers bordering the fields to be planted with industrial types of rapeseed. ()

ii. Industrial types of rapeseed planted in District I must be at least one (1) mile from a field planted to edible types of rapeseed. ()

221. -- 229. (RESERVED)

230. REQUIREMENTS FOR ALL BRASSICA SEEDS TO BE PLANTED IN IDAHO.

01. Requirements. All *Brassica* seeds to be planted in Idaho shall meet the following requirements. ()

a. *Brassica* seeds shall be treated with an EPA and State registered fungicide for the control of blackleg (*Leptosphaeria maculans*). ()

b. *Brassica* seed lots produced outside Idaho shall be accompanied by a phytosanitary certificate stating that the seed is free (zero tolerance) from blackleg based on a laboratory test of a minimum of two point nine (2.9) grams or one thousand (1,000) seeds. ()

02. Exemptions. The following are not subject to the provisions of Subsections 230.01.a. and 230.01.b. ()

a. *Brassica* seeds sold in lots of two (2) pounds or less. ()

b. *Brassica* seeds produced in Idaho. ()

231. -- 239. (RESERVED)

240. RAPESEED GROWING OUTSIDE CULTIVATED FIELDS ENFORCEMENT AND PENALTIES.

Volunteer rapeseed plants within designated production districts shall be destroyed prior to flowering. The Director has the authority to require destruction of any rapeseed prior to flowering that has not met the provisions of Subchapter B. In the event that the person responsible for planting the rapeseed does not comply with the destruction order, the Director is authorized to have the rapeseed destroyed by a third party and the cost of destruction charged to

the party responsible for planting the rapeseed. ()

241. -- 249. (RESERVED)

250. TRANSPORTATION OF BRASSICA SEEDS INTO AND THROUGHOUT IDAHO.

Any transport of *Brassica* seeds shall be accomplished in suitably packaged, covered or sealed containers or vehicles in order to avoid the accidental spread of seed in non-production and prohibited areas. ()

251. -- 309. (RESERVED)

SUBCHAPTER C – BLUEGRASS

310. DEFINITIONS.

In addition to the definitions found in Section 22-2005, Idaho Code, the definitions found in Section 310 apply to the interpretation and enforcement of Subchapter C only. ()

01. Annual Bluegrass. *Poa annua* and all related species off-types or sub-species of *Poa annua*, hereinafter referred to as annual bluegrass. ()

02. Annual Bluegrass Analysis Certificate. A test report from an official laboratory showing freedom from annual bluegrass. ()

03. Grass Species. All bluegrass (*Poa*) species, fescue (*Festuca*) species, ryegrass (*Lolium*) species and all bentgrass (*Acrostic*) species. ()

04. Official Seed Laboratory. A seed testing laboratory approved by the Director. ()

05. Annual Bluegrass Quarantine Release Tag. A numbered tag printed and issued by the Idaho Department of Agriculture to be attached to each bag showing said seed has met quarantine requirements and giving the following information: “This lot of seed was tested and found to be apparently free of annual bluegrass and is eligible for planting in Idaho.” ()

06. Rough Bluegrass Quarantine Release Tag. A numbered tag printed and issued by the Idaho State Department of Agriculture to be attached to each bag showing said seed has met quarantine requirements and giving the following information: “This lot of seed was tested and found to be apparently free of rough bluegrass and is eligible for planting in Idaho.” ()

07. Regulated Pest. The seeds of *Poa annua* (Annual bluegrass) and all related off-types or sub-species of *Poa annua* hereinafter referred to as Annual bluegrass that are objectionable in grass seed stock, are considered weeds for the purposes of this chapter. ()

08. Representative Sample. A sample of seed drawn in accordance to Subchapter A of this rule. ()

09. Rough Bluegrass. *Poa trivialis* and all related off-types or sub-species of *Poa trivialis*, hereinafter referred to as rough bluegrass. ()

10. Rough Bluegrass Analysis Certificate. A test report from an official laboratory showing freedom from rough bluegrass. ()

11. Seed Stock. Those seeds of grass species that are to be planted for seed increase or with intent of seed increase. ()

311. -- 319. (RESERVED)

320. ANNUAL BLUEGRASS REGULATED AREA.

The regulated area is the entire state of Idaho. ()

321. ROUGH BLUEGRASS REGULATED AREA.

The regulated areas are the Idaho counties of Benewah, Bingham, Blaine, Bonner, Camas, Clark, Clearwater, Elmore, Idaho, Jerome, Kootenai, Latah, Lewis, Madison, Nez Perce, Power, Shoshone and Twin Falls. ()

322. ROUGH BLUEGRASS QUARANTINE – RESTRICTIONS.

No rough bluegrass shall be planted for seed production in the regulated areas. ()

323. -- 329. (RESERVED)

330. REGULATED ARTICLES.

Those articles that are regulated are seed stocks as defined in Subsection 310.11. ()

331. -- 339. (RESERVED)

340. RULES GOVERNING PLANTING OF REGULATED ARTICLES (ANNUAL BLUEGRASS).

01. Requirements. Prior to any person planting any grass species seed stock in Idaho, that person shall comply with the following requirements: ()

a. Submit for an official laboratory analysis a representative sample showing freedom from annual bluegrass based on a five (5) gram sample for bentgrass or redtop, a twenty-five (25) gram sample for bluegrass, or a fifty (50) gram sample for other grasses; or ()

b. Have a representative sample submitted for testing. ()

02. Tags. Upon receipt by the Director of an official seed laboratory analysis showing freedom from annual bluegrass, sequentially numbered tags will be issued for each bag found free of annual bluegrass from those lots according to Subsection 310.06. ()

03. Analysis Certificate. In lieu of tags, a seed analysis certificate from an official seed laboratory showing each lot being planted to be free from annual bluegrass must be kept on file for a minimum of one (1) year after all of the inventory of that lot's harvested seed has been sold. ()

341. QUALIFICATIONS OF REGULATED ARTICLES FOR QUARANTINE RELEASE (ROUGH BLUEGRASS).

01. Planting Seed Stock of Regulated Articles. Any person planting seed stock of regulated articles shall comply with the following requirements: ()

a. Submit to the Director an official laboratory analysis of a representative sample showing freedom from rough bluegrass based on a five (5) gram sample for bentgrass or redtop, a twenty-five (25) gram sample for bluegrass, or a fifty (50) gram sample for other grasses; or ()

b. Submit to the Director a representative sample for laboratory analysis. ()

02. Quarantine Release Tag. Upon receipt of an official seed laboratory analysis, the Director may upon request issue sequentially numbered tags for each bag of regulated article found free of rough bluegrass. ()

03. Analysis Certificate. In lieu of tags, a seed analysis certificate from an official seed laboratory showing each lot being planted to be free from rough bluegrass must be kept on file for a minimum of one (1) year after all of the inventory of that lots harvested seed has been sold. ()

342. -- 349. (RESERVED)

350. INFESTED SEED STOCK (ANNUAL BLUEGRASS).

Each lot of seed found to contain annual bluegrass shall be placed under a “Hold Order” pursuant to Section 22-103(20), Idaho Code, to be released only for shipment out of Idaho or for planting in nurseries of two (2) acres or less under supervision of the Director. The nursery shall be seeded in rows spaced twenty-four (24) inches apart and it is the duty of the person receiving such seed to rogue this increase area or chemically treat to eradicate the annual bluegrass. Seed increases shall be inspected by the department or the Idaho Crop Improvement Association at least three (3) times during the seedling year. Any areas not passing inspection shall not be harvested but is destroyed upon the order of the Director at the owner’s expense. ()

351. ROUGH BLUEGRASS QUARANTINE - INSPECTIONS.

The Director will cause inspections to be made in accordance with the provisions of Section 22-2007, Idaho Code. ()

01. Infested Seed Stock. Lots of turf seed stock contaminated with rough bluegrass seeds may be planted in an approved nursery of two (2) acres or less under the supervision of the Director. The nursery shall be seeded in rows spaced twenty-four (24) inches apart and it is the duty of the person receiving such seed stock to rogue the planting or chemically treat to eradicate the rough bluegrass. The approved nursery will be inspected by the Department or the Idaho Crop Improvement Association at least three (3) times during the seedling year. Any approved nursery not passing inspection shall not be harvested but will be destroyed upon the order of the Director at the owner’s expense. ()

352. -- 359. (RESERVED)

360. APPLICATION FOR NURSERY INSPECTION.

A person shall make application for nursery inspection to the Idaho Department of Agriculture or the Idaho Crop Improvement Association at least fourteen (14) days prior to planting. ()

361. -- 369. (RESERVED)

370. EXEMPTIONS (ANNUAL BLUEGRASS).

- 01. Forage.** These rules do not apply to seed sown for forage. ()
- 02. Experiments.** These rules do not apply to:
 - a.** Experiments or trial grounds of the United States Department of Agriculture; or ()
 - b.** Experiments or trial grounds of the Idaho State Experiment Station; or ()
 - c.** Trial grounds of any person, firm, or corporation provided said trial ground plantings are approved by the Director and under supervision of technically-trained personnel familiar with annual bluegrass control. ()

371. EXEMPTIONS (ROUGH BLUEGRASS).

- 01. Experiments or Trial Grounds.** This quarantine shall not apply to: experiments or trial grounds of the United States Department of Agriculture, experiments or trial grounds of the University of Idaho Agriculture Experiment Station, or trial grounds of any person, provided said trial ground plantings are approved by the Director and under supervision of technically-trained personnel familiar with rough bluegrass. ()
- 02. Rough Bluegrass.** Rough bluegrass may be planted in the regulated areas for turf but shall not be allowed to mature to the seed producing stage. ()

372. -- 379. (RESERVED)

380. FEES AND CHARGES.

- 01. Sampling.** Fees for official sampling drawn by the Director are twelve dollars (\$12) per sample. ()

02. Seed Analysis. Fees for seed analysis are that fee provided in the fee schedule of the official Seed Testing Laboratory. ()

03. Inspection. Inspection fees for nursery plantings are fifty dollars (\$50) per acre or portion thereof for each inspection. Any field of less than one acre is a minimum fee of fifty dollars (\$50). ()

04. Quarantine Release Tags. Quarantine release tags will be twenty-five cents (\$0.25) per tag and charged to person(s) when issued. ()

381. -- 999. (RESERVED)

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.06.02 – RULES GOVERNING REGISTRATIONS AND LICENSES
DOCKET NO. 02-0602-1902 (NEW CHAPTER, FEE RULE)
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 22-604, 22-2204, 22-2303(5), 22-2511, and 25-2710, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

PUBLIC HEARING
Thursday, November 14, 2019 @ 9:00 a.m.
Idaho State Department of Agriculture 2270 Old Penitentiary Road Boise, ID 83712

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking: Five rules administered by the ISDA either require a license or registration of certain agricultural activities or agricultural products. These rules are IDAPA 02.06.03, “Rules Pertaining to the Idaho Nurseries and Florists Law,” IDAPA 02.06.30, “Rules Under the Idaho Bee Inspection Law,” IDAPA 02.06.02, “Rules Pertaining to the Idaho Commercial Feed Law,” IDAPA 02.06.12, “Rules Pertaining to the Idaho Fertilizer Law,” and IDAPA 02.06.41, “Rules Pertaining to the Soil and Plant Amendment Act.” The rules were promulgated to carry out the requirements described in Title 22, Chapters 6, 22, 23, and 25; and Title 25, Chapter 27, Idaho Code. In order to streamline and simplify rules related to licenses and registration, the ISDA has decided to combine all five rules into a single rule to be titled “**02.06.02, Rules Governing Registrations and Licenses.**” No substantive changes are being made to the five rules cited above. All rules were reviewed for amendment or repeal of select sections in order to comply with the Red Tape Reduction Act.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: Fees included in the original rules have not been changed in the new combined rule. Fees associated with these rules are imposed pursuant to Sections 22-608, 22-2208, 22-2305, 22-2503, and 25-2704, Idaho Code.

IDAHO CODE SECTION 22-101A STATEMENT: Section 22-101A, Idaho Code, requires that in this notice of proposed rulemaking, the Director must specify whether this rule is broader in scope or more stringent than federal law or regulations, or regulates an activity not regulated by the federal government. This Rule, in its entirety, regulates an activity not regulated by the federal government.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

There is no change in fiscal impact as a result of this consolidation rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted on September 18, 2019. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the September 4, 2019 Idaho Administrative Bulletin, [Vol. 19-9, Page 15-19](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

1. The Association of American Feed Control Officials (AAFCO) Official Publication. The Terms, Ingredient Definitions and Policies as published in the “2019 Official Publication” of AAFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 25, Chapter 27, Idaho Code, and any rule promulgated thereunder.
2. The Merck Index. The “2013 Merck Index,” 15th Edition, as published by Merck Research Laboratories Division of Merck & Co., Incorporated. The Merck Index is a copyrighted publication and not available in an electronic format.
3. The Association of American Plant Food Control Officials (AAPFCO) Official Publication. The Terms, Ingredient Definitions, and Policies, as published in the “2020 Official Publication” of AAPFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 22, Chapter 6, Idaho Code, and any rule promulgated thereunder.
4. The Association of Official Agricultural Chemists (AOAC) International. The “2019 Official Methods of Analysis (OMA) of the AOAC,” 21st Edition, a copyrighted publication, is maintained and published by the AOAC International.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lloyd Knight, Administrator, at (208) 332-8664.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 27, 2019.

Dated this 3rd day of October, 2019.

Brian Oakey, Deputy Director
Idaho Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, Idaho 83707
Phone: (208) 332-8552
Fax: (208) 334-2710

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 02-0602-1902
(New Chapter)

02.06.02 – RULES GOVERNING REGISTRATIONS AND LICENSES

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 22-604, 22-2204, 22-2303(5), 22-2503, 22-2511, and 25-2710, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.02, “Rules Governing Registrations and Licenses.” ()

02. Scope. These rules specify general commercial feed, fertilizer, and soil and plant amendment product registration and label requirements, and provide inspection authorities. These rules establish a fee schedule for special nursery and florist services and set forth conditions under which a shipping permit will be issued. These rules are also to prevent the introduction or further dissemination of certain bee diseases by providing authority to enter, inspect, and control bee pests and levy penalties. ()

002. -- 103. (RESERVED)

SUBCHAPTER A – COMMERCIAL FEED

104. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into this Subchapter A: ()

01. The Association of American Feed Control Officials (AAFCO) Official Publication. The Terms, Ingredient Definitions and Policies as published in the “2020 Official Publication” of AAFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 25, Chapter 27, Idaho Code, and any rule promulgated thereunder. A copy may be purchased online from the AAFCO website at: www.aaeco.org. ()

02. The Merck Index. The “2013 Merck Index,” 15th Edition, as published by Merck Research Laboratories Division of Merck & Co., Incorporated. The Merck Index is a copyrighted publication and not available in an electronic format. A copy may be purchased online from Merck & Co., Inc at: <http://www.rsc.org/merckindex>. ()

105. -- 109. (RESERVED)

110. DEFINITIONS AND TERMS.

In addition to the definitions found in Section 25-2703, Idaho Code, the following definitions apply in the interpretation and enforcement of Subchapter A only: ()

01. All Life Stages. Gestation/lactation, growth, and adult maintenance life stages. ()

02. Family. A group of products, which are nutritionally adequate for any or all life stages based on their nutritional similarity to a lead product, that has been successfully test-fed according to an AAFCO feeding protocol(s). ()

03. Hay. The aerial portion of grass or herbage especially cut, cured and baled or stacked for animal feeding, without further processing. ()

04. Immediate Container. The unit, can, box, tin, bag, or other receptacle or covering in which a pet food or specialty pet food is displayed for sale to retail purchasers, but does not include containers used as shipping containers. ()

05. Ingredient Statement. A collective and contiguous listing on the label of the ingredients of which the pet food or specialty pet food is composed. ()

06. Principal Display Panel. The part of a label that is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale and may include the front, back, or side panels of the package. ()

07. Viable Noxious Weed Seed. Any seed or propagule of a noxious weed, as identified or listed by Title 22, Chapter 24, Idaho Code, or any rules promulgated thereunder, that has not been ground fine enough or otherwise treated to destroy the ability to germinate. ()

111. -- 114. (RESERVED)

115. REGISTRATION AND FEES.

01. Product Registration Fee. Whenever a commercial feed is registered for distribution in the state of Idaho, a fee of forty dollars (\$40) per product will be collected. ()

a. The Department will utilize these funds for the operation of all program activities, including but not limited to, registration, label review, inspection and sampling, and laboratory analysis. ()

b. The fee will be set by the Department such that all costs associated with the commercial feed program will be covered by the registration fee without the need for additional state general or dedicated funding. ()

02. Product Registration Fee Exemption. Sellers who are not regularly engaged in the business of manufacturing or selling commercial feed and whose total amount of gross annual sales does not exceed five hundred dollars (\$500) are exempt from payment of the registration fee. However, the Department retains the right to inspect any feed in the possession of those persons exempted by Subsection 115.02 at any time. ()

a. This exemption pertains to the registration fee only, and does not exempt a person or business from other sections of Subchapter A and/or the Idaho Commercial Feed Law. ()

b. The Department reserves the right to review the records of sellers who are claiming or who have claimed that they are exempt from the payment of the registration fee, in order to ensure that they qualify for the exemption. ()

c. The Department further reserves the right to conduct any and all inspections allowed under Section 25-2709, Idaho Code, in order to ensure compliance with Subchapter A and/or the Idaho Commercial Feed Law. ()

116. -- 119. (RESERVED)

120. LABEL FORMAT.

01. Label Format. Commercial feeds shall be labeled with the information prescribed in Subchapter A on the principal display panel of the product and in the following general format. ()

a. Net Weight. ()

b. Product name and brand name if any. ()

c. If a drug is used, the required directions for use and precautionary statements or reference to their location if the detailed feeding directions and precautionary statements appear elsewhere on the label. ()

d. The guaranteed analysis of the feed as required under the provisions of Section 25-2705(1)(c) of the Commercial Feed Law includes the following items, unless exempted, and in the order listed: ()

i. Minimum percentage of crude protein. ()

ii. Maximum or minimum percentage of equivalent protein from non-protein nitrogen. ()

iii. Minimum percentage of crude fat. ()

iv. Maximum percentage of crude fiber. ()

v. Minerals, to include, in the following order: minimum and maximum percentages of calcium (Ca),

minimum percentage of phosphorus (P), minimum and maximum percentages of salt (NaCl), and other minerals. ()

vi. Vitamins. ()

vii. Total sugars as invert on dried molasses products or products being sold primarily for their sugar content. ()

viii. Exemptions. Guarantees for minerals are not required when there are no specific label claims and when the commercial feed contains less than six and one-half percent (6 1/2%) of Calcium, Phosphorus, Sodium, or Chloride. Guarantees for vitamins are not required when the commercial feed is neither formulated for nor represented in any manner as a vitamin supplement. Guarantees for crude protein, crude fat, and crude fiber are not required when the commercial feed is intended for purposes other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements, and molasses. ()

e. Feed ingredients, collective terms for the grouping of feed ingredients, or appropriate statements as provided under the provisions of Section 25-2705(1)(d) of the Commercial Feed Law shall be listed in decreasing order of predominance by weight: ()

i. The name of each ingredient as defined in the Official Publication of the Association of American Feed Control Officials, common or usual name, or one approved by the Director. ()

ii. Collective terms for the grouping of feed ingredients as defined in the Official Definitions of Feed Ingredients published in the Official Publication of the Association of American Feed Control Officials in lieu of the individual ingredients; provided that when a collective term for a group of ingredients is used on the label, individual ingredients within that group shall not be listed on the label. The manufacturer shall provide the feed control official, upon request, with a list of individual ingredients within a defined group, that are or have been used at manufacturing facilities distributing in or into the state. ()

iii. The registrant may affix the statement, "ingredients as registered with the State" in lieu of the ingredient list on the label. The list of ingredients must be on file with the Director. This list shall be made available to the feed purchaser upon request. ()

f. Name and principal mailing address of the manufacturer or person responsible for distributing the feed. The principal mailing address shall include the street address, city, state, and zip code; however, the street address may be omitted if it is shown in the current city directory or telephone directory. ()

g. The information required in Section 25-2705 of the Commercial Feed Law must appear in its entirety on the principal display panel of the container. ()

h. Labeling shall include all statements and promotion on company websites or other internet based customer interfaces. ()

02. Customer Formula Invoice and Tag Requirements. ()

a. Bulk shipments of customer-formula feed shall be accompanied by an invoice, delivery slip or other shipping documents identifying the shipment as customer-formula feed and the name and address of the customer to whose order it is made. ()

b. Bagged customer-formula feed will be labeled with a tag identifying each bag as such. The total bags in each customer's shipment will be segregated from other bagged feed and identified with the name and address of the customer to whose order it is made. ()

c. Nutritional guarantees and guarantees of other analytes, and a list of ingredients, in descending order of predominance by weight, of a customer-formula feed may be used in lieu of specific weights or volumes of each ingredient, as required in Section 25-2705(2)(d), Idaho Code, when so ordered by the customer. ()

121. -- 124. (RESERVED)

125. BRAND AND PRODUCT NAMES.

01. Intended Use. The brand or product name must be appropriate for the intended use of the feed and must not be misleading. If the name indicates the feed is made for a specific use, the character of the feed must conform therewith. A mixture labeled "Dairy Feed," for example, must be suitable for that purpose. ()

126. -- 129. (RESERVED)

130. EXPRESSION OF GUARANTEES.

01. Percentage by Weight. The guarantees for crude protein, equivalent protein from non-protein nitrogen, crude fat, crude fiber and mineral guarantees (when required) will be in terms of percentage by weight. ()

02. Commercial Feeds. Commercial feeds containing six and one-half percent (6 1/2%) or more Calcium, Phosphorus, Sodium or Chloride shall include in the guaranteed analysis the minimum and maximum percentages of calcium (Ca), the minimum percentage of phosphorus (P), and if salt is added, the minimum and maximum percentage of salt (NaCl). Minerals, except salt (NaCl) shall be guaranteed in terms of percentage of the element. When calcium and/or salt guarantees are given in the guaranteed analysis such shall be stated and conform to the following: ()

a. When the minimum is five percent (5%) or less, the maximum will not exceed the minimum by more than one (1) percentage point. ()

b. When the minimum is above five percent (5%), the maximum will not exceed the minimum by more than twenty percent (20%) and in no case shall the maximum exceed the minimum by more than five (5) percentage points. ()

03. Vitamin Content. Guarantees for minimum vitamin content of commercial feeds and feed supplements, when made, shall be stated on the label in milligrams per pound of feed except that: ()

a. Vitamin A, other than precursors of vitamin A, shall be stated in International or USP units per pound. ()

b. Vitamin D, in products offered for poultry feeding, shall be stated in International Chick Units per pound. ()

c. Vitamin D for other uses shall be stated in International or USP units per pound. ()

d. Vitamin E shall be stated in International USP units per pound. ()

e. Guarantees for vitamin content on the label of a commercial feed shall state the guarantee as true vitamins, not compounds, with the exception of the compounds, Pyridoxine Hydrochloride, Choline Chloride, Thiamine, and d-Pantothenic Acid. ()

f. Oils and premixes containing vitamin A or vitamin D or both may be labeled to show vitamin content in terms of units per gram. ()

131. -- 134. (RESERVED)

135. NON-PROTEIN NITROGEN.

01. Urea. Urea and other non-protein nitrogen products defined in the Official Publication of the Association of American Feed Control Officials or by the Director are acceptable ingredients only in commercial

feeds for ruminant animals as a source of equivalent crude protein. If the commercial feed contains more than eight and seventy-five hundredths percent (8.75%) of equivalent crude protein from all forms of non-protein nitrogen, added as such, or the equivalent crude protein from all forms of non-protein nitrogen, added as such, exceeds one-third (1/3) of the total crude protein, the label shall bear adequate directions for the safe use of feeds and a precautionary statement: "CAUTION: USE AS DIRECTED." The directions for use and the caution statement shall be in type of such size so placed on the label that they will be read and understood by ordinary persons under customary conditions of purchase and use. ()

02. Non-Protein Nitrogen Defined. Non-protein nitrogen defined in the Official Publication of the Association of American Feed Control Officials, when so indicated, are acceptable ingredients in commercial feeds distributed to non-ruminant animals as a source of nutrients other than equivalent crude protein. The maximum equivalent crude protein from non-protein nitrogen sources when used in non-ruminant rations shall not exceed one and twenty-five hundredths percent (1.25%) of the total daily ration. ()

03. Labels for Medicated Feeds. On labels such as those for medicated feeds that bear adequate feeding directions and/or warning statements, the presence of added non-protein nitrogen shall not require a duplication of the feeding directions or the precautionary statements as long as those statements include sufficient information to ensure the safe and effective use of this product due to the presence of non-protein nitrogen. ()

136. -- 139. (RESERVED)

140. DRUG AND FEED ADDITIVES.

01. Satisfactory Evidence. Satisfactory evidence of safety and efficacy of a commercial feed may be: ()

a. When the commercial feed contains such additives, the use of which conforms to the requirements of the applicable regulation in the Code of Federal Regulations, Title 21, or which are "prior sanctioned" or "generally recognized as safe" for such use; or ()

b. When the commercial feed is itself a drug and is generally recognized as safe and effective for the labeled use or is marketed subject to an application approved by the Food and Drug Administration under Title 21 U.S.C. 360(b). ()

141. -- 144. (RESERVED)

145. ADULTERANTS.

01. Substances. For the purpose of Section 25-2707, Idaho Code, of the Commercial Feed Law, the terms "poisonous or deleterious substances" include, but are not limited to, the following: ()

a. Fluorine and any mineral or mineral mixture that is to be used directly for the feeding of domestic animals and in which the fluorine exceeds two tenths percent (0.2%) for breeding and dairy cattle; three tenths percent (0.3%) for slaughter cattle; three tenths percent (0.3%) for sheep; thirty-five hundredths percent (0.35%) for lambs; forty-five hundredths percent (0.45%) for swine; and six tenths percent (0.6%) for poultry. ()

b. Fluorine bearing ingredients when used in such amounts that they raise the fluorine content of the total ration (exclusive of roughage) above the following amounts: four thousandths percent (0.004%) for breeding and dairy cattle; nine thousandths percent (0.009%) for slaughter cattle; six thousandths percent (0.006%) for sheep; one hundredths percent (0.01%) for lambs; fifteen thousandths percent (0.015%) for swine and three hundredths percent (0.03%) for poultry. ()

c. Fluorine bearing ingredients incorporated in any feed that is fed directly to cattle, sheep or goats consuming roughage (with or without) limited amounts of grain, that results in a daily fluorine intake in excess of fifty (50) milligrams of fluorine per one hundred (100) pounds of body weight. ()

d. Soybean meal, flakes or pellets or other vegetable meals, flakes or pellets that have been extracted

with trichlorethylene or other chlorinated solvents. ()

e. Sulfur dioxide, Sulfurous acid, and salts of Sulfurous acid when used in or on feeds of feed ingredients that are considered or reported to be a significant source of vitamin B1 (Thiamine). ()

02. Screenings or By-Products. All screenings or by-products of grains and seeds containing weed seeds, when used in commercial feed or sold as such to the ultimate consumer, shall be ground fine enough or otherwise treated to destroy the viability of such weed seeds. ()

03. Viable Noxious Weed Seed. Viable noxious weed seed as defined in Subsection 110.07. ()

146. -- 149. (RESERVED)

150. ADOPTIONS AND PROMULGATION.

All rules heretofore adopted and promulgated August 16, 1971 pertaining to the Idaho Commercial Feed Law, Title 25, Chapter 27, Idaho Code, are hereby repealed, and are replaced by Subchapter A. ()

151. -- 159. (RESERVED)

160. COTTONSEED.

01. Certification. Prior to entry into the state of Idaho all shipments of cottonseed or cottonseed seed products destined for animal feed shall be certified as having been sampled and analyzed and no greater amount than twenty (20) ppb of aflatoxin shall be contained within the product or products, except that cottonseed meal intended for use as an animal feed or feed ingredient for beef cattle, swine and poultry, may be certified to contain more than twenty (20) ppb but less than three hundred (300) ppb of aflatoxin. ()

02. Storage Location and Destination. Whole cottonseed, cottonseed meal or cottonseed seed products entering the state certified to contain no greater than twenty (20) ppb aflatoxin, or cottonseed meal certified to contain more than twenty (20) ppb but less than three hundred (300) ppb aflatoxin shall be accompanied by the certification document aboard carrier, be identified with a storage location at destination, and the certification document shall be maintained on file at the shipment destination for no less than one (1) year. In the case of bulk rail car shipments, the certification document shall accompany the invoice or bill-of-lading and be identified with a storage location at destination. The certification document shall be maintained on file at the shipment destination for no less than one (1) year. ()

03. Registration. Idaho firms wishing to import into the state and/or handle cottonseed meal containing more than twenty (20) ppb but less than three hundred (300) ppb aflatoxin for distribution or sale shall register annually with the Department their intent to do so. Feedlots and other end user operations importing the cottonseed meal as defined above in this paragraph for their own use are exempted from registration requirement. The importing firm shall also register the cottonseed meal (if not already registered by another firm) with the Department and pay any applicable registration fees (Sections 25-2704, Idaho Code). As a condition of registration, firms importing and/or handling cottonseed meal certified to contain more than twenty (20) ppb but less than three hundred (300) ppb aflatoxin, shall enter into a compliance agreement with the Department agreeing to: ()

a. Store and label cottonseed meal certified to contain more than twenty (20) ppb but less than three hundred (300) ppb aflatoxin separately from cottonseed meal certified to contain less than twenty (20) ppb aflatoxin; ()

b. Inform the purchaser in writing of the certified aflatoxin level in the meal purchased; and ()

c. Submit to periodic record and facility inspections, and product testing by the Department. ()

04. Certification Performance. Required certification will be performed by any state government or Federal government engaged in this type of certification. In the event that a state government or Federal government laboratory is not available, an independent or company laboratory may upon request be approved by the Department. Requests and approval shall be made in advance of the shipment entering the state. ()

161. -- 169. (RESERVED)

170. COTTONSEED – EXEMPTIONS.

Cottonseed hulls are exempted from laboratory certification requirements as stated in Subsections 160.01 through 160.04, provided that, cottonseed hulls shall not contain greater than twenty (20) ppb aflatoxin as required by the U. S. Food and Drug Administration. Any invoice or bill of lading accompanying or sent in regard to a shipment of cottonseed hulls shall state the level of aflatoxin in parts per billion contained in the shipment. ()

171. -- 179. (RESERVED)

180. DETAINED COMMERCIAL FEEDS.

01. Stop Sale, Use, or Removal. Any commercial feed or identified lot of commercial feed that is the subject of a “stop sale, use, or removal” order under Section 25-2711(1), Idaho Code, may be released from such an order by the following means: ()

a. A commercial feed detained for nutritional violation(s) may be: ()

i. Remanufactured, using ingredients listed on the approved label, to meet label guarantees. The remixed feed shall be resampled and analyzed to ensure compliance prior to its return to sale. ()

ii. Relabeled to reflect actual values, upon approval of a new label and registration, provided that these values are appropriate for their intended use. ()

iii. Returned to the manufacturer if the seller and manufacturer are not the same. ()

iv. Diverted to an alternate use such as inclusion into another feed, or feeding to the manufacturer’s own livestock, provided that it is appropriate for the diverted use and that it does not conflict with labeling or other State or Federal requirements for the diverted use. ()

v. Destroyed. ()

b. A commercial feed detained for a drug or antibiotic violation may be: ()

i. Remanufactured to meet label guarantees. The remixed feed shall be resampled and analyzed prior to its return to sale. ()

ii. Returned to the manufacturer if the seller and manufacturer are not the same. ()

iii. Diverted to an alternate use, provided that it is appropriate for the diverted use labeling or other State or Federal requirements for the diverted use. ()

iv. Destroyed. ()

c. A commercial feed deemed to be adulterated under Section 25-2707(1), Idaho Code, or that cannot safely be remanufactured, relabeled, or diverted to an alternate use may be: ()

i. Returned to the manufacturer if the seller and manufacturer are not the same. ()

ii. Destroyed. ()

02. Appropriate Compliance Procedure. The Department will indicate which of the above listed compliance procedures are appropriate for the particular “withdrawal from sale” order. The seller shall indicate which procedure is to be followed and, upon approval from the Department, shall carry out the procedure within thirty (30) days. Other procedures may be considered upon application by the state inspector or seller to the Department, Bureau of Feeds and Plant Services, Idaho Department of Agriculture, Boise, Idaho. ()

03. Violation of Stop Sale, Use, or Removal Order. Any violation of the terms or conditions of a Stop Sale, Use, or Removal Order is considered a prohibited act. ()

181. -- 211. (RESERVED)

SUBCHAPTER B – NURSERIES AND FLORISTS

212. SPECIAL SERVICE.

When nurseries or florists require additional inspections and special services, a special service fee will be charged. Refer to IDAPA 02.06.04, "Rules Governing Plant Exports," Section 195, "Fees and Charges," for a complete schedule of services and fees. ()

213. -- 219. (RESERVED)

220. SHIPPING PERMIT NUMBER.

Upon request, a licensed nurseryman who holds a valid certificate of inspection from the Idaho Department of Agriculture for his nursery will be issued a shipping permit number. Application for a number must be made annually, and the use of the number is subject to the following conditions: ()

01. Accompaniment. The shipping permit number shall accompany all shipments and deliveries of nursery stock. ()

02. Changes. Once issued, the shipping permit number will not change unless request is made for a new number. ()

03. Application Deadline. Application for a number or renewal of a number must be made by January 1 of each year. Failure to do so will result in suspension of the shipping permit number. ()

04. Fees. A number will be issued or renewed only after the proper nursery license fees have been paid for the current license year. A shipping permit number will be held in abeyance until the proper license fees are paid. ()

05. Reissue Application. If the business entity of a licensee is changed, or if the membership of a partnership is changed, irrespective of whether or not the business name is changed, application for reissuance of the shipping permit number must be made to the Idaho Department of Agriculture. ()

06. Permit Number. The shipping permit number, if printed on containers or cartons, will read as follows:

(SEAL)

IDAHO DEPARTMENT OF AGRICULTURE
DIVISION OF PLANT INDUSTRIES
BOISE, IDAHO 83701

SHIPPING
PERMIT NO.

The nursery doing business under the above permit number has been regularly inspected and, to the best of our knowledge, is free from dangerous insect pests and diseases.

()

07. No Other Statements. No other statements, other than the business name and address, may appear

on the side of the container on which the shipping permit number and accompanying statement are printed. The printing of the shipping permit number is the responsibility of the licensee and all costs incurred in printing are his responsibility. ()

221. -- 309. (RESERVED)

SUBCHAPTER C – BEE INSPECTION

310. DEFINITIONS.

The Department adopts the definitions set forth in Section 22-2502, Idaho Code for the interpretation and enforcement of Subchapter C only. ()

311. -- 314. (RESERVED)

315. REGULATED BEE DISEASES.

Specifically, American foulbrood, European foulbrood, sac brood and bee paralysis, Varroa mite, tracheal mite, or any other disease or abnormal condition of egg, larval, pupal, or adult stages of honey bees, hereinafter is referred to as bee diseases. ()

316. -- 329. (RESERVED)

330. REGULATED PRODUCTS AND RELATED EQUIPMENT.

Subchapter C concerns any stage of the common honey bee, *Apis mellifera* L., all equipment used in handling and manipulation of bees, wax, and hives, and includes any containers for honey and wax that may be used in any apiary or in transporting bees and their products and apiary supplies that are located within the state of Idaho. ()

331. -- 339. (RESERVED)

340. REGISTRATION AND COLLECTION OF FEES.

On or before July 1 of each year any person engaging in the activities of apicultural shall file with the Idaho Department of Agriculture a “Registration” form provided by the Idaho Department of Agriculture specifying the name, residence, place of apiaries, number of hives or colonies of bees owned or controlled, and such other information as may be required, accompanied by the applicable registration fee. ()

341. -- 349. (RESERVED)

350. INSPECTION PROCEDURES.

01. Request for Inspection. All beekeepers requiring an apiary inspection shall complete the “Request for Inspection” form provided by the Department of Agriculture that includes name, address, telephone number of the applicant, number of colonies to be inspected and the state(s) to which entry is desired. The applicant agrees to pay the costs of the inspection according to the fee schedule in Section 370. The request for inspection must be returned to the Department of Agriculture no later than August 15 of each year. Late requests will be accepted through August 31, after which no requests for inspection will be accepted. No inspections will be conducted after November 15 of each year. Apiaries found free of disease will be entitled to receive a health certificate valid for one (1) year from date of issuance permitting access to those states that require and recognize Idaho certification. ()

02. Disease Inspection. The apiary inspector will inspect for all diseases and pests cited in Section 315, specifically for American foulbrood and Varroa mite or other bee diseases as specified by the importing state regulatory agency. ()

03. Posting of Registration. All apiaries located within the state of Idaho shall be conspicuously posted with the name, address and telephone number and state registration number of the owner. ()

04. Necessary Precautions. The apiary inspector will take all necessary precautions to properly disinfect all tools and any other thing that may have come into contact with diseased bees or equipment to prevent spread of the disease. ()

351. -- 359. (RESERVED)

360. DUTY OF OWNER OF BEES.

01. Compliance With Rules. Upon receipt of disease notification, the owner shall control the disease through the use of registered and approved agents in accordance with label directions or eradicate the disease by burning, then burying under not less than eighteen (18) inches of soil, the contaminated bees and equipment. ()

02. Quarantined Apiary. Bees shall not be removed from an infested or quarantined apiary without permission, in writing, from the Director or the Director's agents. ()

361. -- 369. (RESERVED)

370. FEES AND CHARGES.

01. Inspection, Sampling and Other Field Work: ()

a. Inspection time: fifteen dollars (\$15) per hour. ()

b. Travel costs: mileage, meals and lodging will be charged according to established state rates. ()

02. Laboratory Examination. Twenty-five dollars (\$25) per worker hour. ()

371. -- 403. (RESERVED)

SUBCHAPTER D – FERTILIZER

404. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into Subchapter D: ()

01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication. The Terms, Ingredient Definitions, and Policies, as published in the "2020 Official Publication" of AAPFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 22, Chapter 6, Idaho Code, and any rule promulgated thereunder. A copy may be purchased online from the AAPFCO website at: www.aapfco.org. ()

02. The Merck Index. The "2013 Merck Index," 15th Edition as published by Merck Research Laboratories Division of Merck & Co., Incorporated. The Merck Index is a copyrighted publication and not available in an electronic format. A copy may be purchased online from Merck & Co., Inc. (now hosted by the Royal Society of Chemistry) at: <http://www.rsc.org/merckindex>. ()

03. The Association of Official Agricultural Chemists (AOAC) International. The "2019 Official Methods of Analysis (OMA) of the AOAC," 21st Edition, a copyrighted publication, is maintained and published by the AOAC International. The AOAC OMA is available in electronic format at: www.EOMA.AOAC.org. A copy may be purchased online from AOAC International. ()

405. -- 409. (RESERVED)

410. DEFINITIONS.

In addition to the definitions found in Section 22-603, Idaho Code, the definitions in Subsection 410 apply in the interpretation and enforcement of Subchapter D only. ()

01. Guarantee. An affirmation or promise made by the seller to the buyer that relates to the goods and becomes part of the basis of the bargain and creates an express warranty that the fertilizer shall conform to the

affirmation or promise. ()

02. Ultimate Dealer. The person who distributes fertilizer product to the end-user. ()

411. -- 419. (RESERVED)

420. SAMPLING AND ANALYSIS.

The methods of sampling and analysis are those of the Association of Official Analytical Chemists (AOAC) or other methods as approved by the department. ()

421. -- 429. (RESERVED)

430. RULES REGARDING THE REGISTRATION OF FERTILIZERS CONTAINING PLANT NUTRIENTS IN ADDITION TO NITROGEN, PHOSPHATE, AND POTASH.

01. Other Plant Nutrients. A fertilizer may contain plant nutrients in addition to nitrogen, phosphate and potash. When these other nutrients are mentioned on the label in any form or manner, the fertilizer shall be registered. In addition, each nutrient amount shall be guaranteed, with the guarantee reported on the label on an elemental basis. Sources of the nutrients subjected to the guaranteed analysis, and proof of availability shall be provided to the department upon request. Any additional nutrients, contained in a fertilizer submitted for registration, must be present in the following minimum concentrations:

Element	Percent
Calcium (Ca)	1.0000
Magnesium (Mg)	0.5000
Sulfur (S)	1.0000
Boron (B)	0.0200
Chlorine (Cl)	0.1000
Cobalt (Co)	0.0005
Copper (Cu)	0.0500
Iron (Fe)	0.1000
Manganese (Mn)	0.0500
Molybdenum (Mo)	0.0005
Nickel (Ni)	0.0010
Sodium (Na)	0.1000
Zinc (Zn)	0.0500

()

02. Labeling. The label shall constitute a guarantee regarding the nutrient content of the fertilizer. No nutrients, other than those listed in Subsection 430.01, will be accepted by the department as guaranteed. Proposed labels and directions for the use of the fertilizer shall be furnished with the application for registration upon request. Any of the above listed elements that are guaranteed shall appear in the order listed immediately following guarantees for the primary nutrients of nitrogen, phosphate and potash. ()

03. Exemptions. Guarantees for water soluble nutrients labeled for ready-to-use foliar fertilizers, ready-to-use specialty liquid fertilizers, hydroponic or continuous liquid feed programs, and potting soils, are exempted from the minimum element percentages listed in Subsection 430.01. ()

431. -- 439. (RESERVED)

440. WARNING OR CAUTION STATEMENTS.

A warning or cautionary statement is required on any fertilizer product: ()

01. Containing Boron. If the fertilizer product contains one tenth of a percent (.10%) or more boron in a water soluble form, the statement shall include: ()

a. The word “Warning” or “Caution” conspicuously displayed; ()

b. The crops for which the fertilizer is recommended; and ()

c. That the use of the fertilizer on any crop(s) other than those recommended may result in serious injury to the crop(s). ()

02. Containing Molybdenum. If the fertilizer product contains one thousandths of a percent (.001%) or more molybdenum, the statement shall include: ()

a. The word “Warning” or “Caution” conspicuously displayed; and ()

b. That the application of fertilizers containing molybdenum may result in forage crops containing levels of molybdenum that are toxic to ruminant animals. ()

03. Other Fertilizer Products. The department may require a registrant to include a warning or caution statement for any other fertilizer product that contains a micro-nutrient in water soluble form for which there is evidence that application of the micro-nutrient may be harmful to certain crops or where there are unusual environmental conditions. ()

04. Examples. The following are examples of warning or caution statements: ()

a. Directions: Apply this fertilizer at a maximum rate of (number of pounds) per acre for (name of crop). ()

b. CAUTION: Do not use on other crops. The (name of micro-nutrient) may cause injury to them. ()

c. CAUTION: Apply this fertilizer at a maximum rate of (number of pounds) per acre for (name of crop). Do not use on other crops; the (name of micro-nutrient) may cause serious injury to them. ()

d. WARNING: This fertilizer carries added (name(s) of micro-nutrient(s)) and is intended for use only on (name of crop). Its use on any other crops or under conditions other than those recommended may result in serious injury to the crops. ()

e. CAUTION: This fertilizer is to be used only on soil that responds to (name of micro-nutrient). Crops high in (name of micro-nutrient) are toxic to grazing animals (ruminants). ()

f. Caution: (Name of micro-nutrient) is recommended for all crops where (name of micro-nutrient) may be deficient; however excessive application to susceptible crops may cause damage. ()

441. -- 449. (RESERVED)

450. FERTILIZER LABELS.

The following information, in the format presented, is the minimum required for all fertilizer labels. For packaged products, this information shall either appear on the package, or be printed on a tag and attached to the package. This information shall be in a readable and conspicuous form. For bulk products, this same information in written or printed form shall accompany delivery and be supplied to the purchaser at time of delivery. ()

01. Net Weight or Net Volume, If Liquid. Weight per gallon shall be included on the label of liquid fertilizers if net volume is stated. ()

02. Brand. ()

03. Grade. Grade (provided that the grade shall not be required when no primary nutrients are claimed). ()

04. Guaranteed Analysis. A fertilizer label must contain the results of the guaranteed analysis. Zero (0) guarantees should not be made and shall not appear in any statement except in nutrient guarantee itemizations. The sliding scale method of expressing a guaranteed analysis on fertilizer labels (for example, “Available Phosphate fifteen to eighteen percent (15-18%)”) is prohibited. If chemical forms of nitrogen are claimed or required, said form shall be set forth on the label. Nutrients other than nitrogen, phosphate and potash shall be set forth, on an elemental basis, as required by Subsection 430.01. The results of the guaranteed analysis required by Subchapter D of this rule shall be in the following form:

Total Nitrogen	(N). _____%
_____%	Ammoniacal Nitrogen
_____%	Nitrate Nitrogen
_____%	Water Insoluble Nitrogen
_____%	Urea Nitrogen
_____%	(Other recognized and determinable forms of N)
Available Phosphate (P ₂ O ₅)	_____%
Soluble Potash (K ₂ O)	_____%
(Other nutrients, elemental basis)	_____%

()

05. Sources. Sources of nutrients shall be listed below the completed guaranteed analysis statement. ()

06. Name and Address. Name and address of manufacturer, guarantor or registrant. ()

07. Specialty Fertilizers. For specialty fertilizers distributed to the end user, the label shall set forth adequate directions for use. Such directions may include, but are not limited to: ()

a. The recommended application rate or rates in units of weight or volume per unit of area coverage (where application rates are given in volume, the manufacturer shall provide the bulk density for the product on the label); ()

b. Proper seasonal times and minimum intervals to apply the product when plants can rapidly utilize nutrients and loss to the environment can be minimized; and ()

c. The statement “Apply Only As Directed” or a statement of similar designation. ()

08. Packaging. Refer to Idaho Department of Agriculture rules, IDAPA 02.02.14, “Rules for Weights and Measures,” for the specific requirements relating to product identity, declaration of quantity and prescribed units. ()

451. -- 454. (RESERVED)

455. PRODUCT REGISTRATION.

01. Registration. All fertilizer companies, including companies engaged in custom-formula mixing of dry or liquid fertilizers, shall comply with the product registration requirements of the Idaho Fertilizer Act of 2000, Section 22-605, Idaho Code, subject to the provisions of this Subchapter D. ()

02. Alteration From Original State. When a fertilizer is mixed, added to, or in any way changed from its original grade or its content of secondary or minor nutrients, it is a different product, and must be registered as provided under Section 22-605, Idaho Code. ()

03. Registering -- Altered Fertilizers. When a registered grade is altered by any commercial fertilizer manufacturer or ultimate dealer, such manufacturer or ultimate dealer, shall register the altered grade as provided under Section 22-605, Idaho Code. ()

04. Brand Name. The addition of another prominent name or graphic design to the brand displayed on the label, other than descriptive words associated with the grade, constitutes a different brand and thus, must be registered as provided under Section 22-605, Idaho Code. For example, changing "Rose Bud 5-10-5" to "Kilmer's Rose Bud 5-10-5" would constitute a change in brand. ()

05. Sale of Fertilizer. When a commercial fertilizer is removed from the package or vehicle in which it was placed by the original registrant and then offered for sale by a person other than the original registrant, it is a different product and shall be registered in accordance with Section 22-605, Idaho Code, except that it is not subject to an additional inspection fee as provided under Section 22-608, Idaho Code, provided that said fee was paid on the product by the original or prior registrant. ()

456. -- 459. (RESERVED)

460. SLOWLY RELEASED PLANT NUTRIENTS.

01. Slow Release. No fertilizer label shall bear a statement that connotes or implies that certain plant nutrients contained in a fertilizer are released slowly over a period of time, unless the slow release components are identified and guaranteed at a level of at least fifteen percent (15%) of the total guarantee for that nutrient(s). ()

02. Slow Release Properties. Types of products with slow release properties currently recognized by the department for the purposes of a guarantee include: ()

a. Water insoluble, such as natural organics, ureaform materials, urea-formaldehyde products, isobutylidene diurea, oxamide, etc.; ()

b. Coated slow release, such as sulfur coated urea and other encapsulated soluble fertilizers; ()

c. Occluded slow release, where fertilizers or fertilizer materials are mixed with waxes, resins, or other inert materials and formed into particles; and ()

d. Products containing water soluble nitrogen such as ureaform materials, urea-formaldehyde products, methylenediurea (MDU), dimethylenetriura (DMTU), dicyanodiamide (DCD), etc. ()

03. Additional Products May Be Added to List of Slow Release Nutrients. The department may add additional products to the list of recognized slow release nutrients upon an appropriate showing by a registrant. The terms, "water insoluble," "coated slow release," "slow release," "controlled release," "slowly available water soluble," and "occluded slow release," are accepted as descriptive of these products, provided the manufacturer can show a testing program substantiating the claim. Testing shall be under guidance of Experiment Station personnel or a recognized researcher acceptable to the department. A laboratory procedure, acceptable to the department for evaluating the release characteristics of the product(s), must also be provided by the manufacturer. ()

04. Methods. Unless otherwise specified by the department, AOAC International Method 970.04 (15th Edition) is to be used to confirm the coated slow release and occluded slow release nutrients and others whose slow release characteristics depend on particle size. AOAC International Method 945.01 (15th Edition) shall be used to determine the water insoluble nitrogen of organic materials. ()

461. -- 469. (RESERVED)

470. INVESTIGATIONAL ALLOWANCES.

01. Use of Investigational Allowances. Investigational Allowances will be used in determining whether a fertilizer is deficient. Fertilizers that are deemed deficient are subject to penalty. Penalties for deficient fertilizers are found in Section 22-611, Idaho Code. ()

02. Deeming a Fertilizer Deficient. A fertilizer will be deemed deficient if the analysis of any nutrient is below the guarantee by an amount exceeding the values in the following schedules, or if the overall index value of the fertilizer is below ninety-seven percent (97%). Note: For these investigational allowances to be applicable, the recommended AOAC International procedures for obtaining samples, preparation and analysis must be used. These are described in Official Methods of Analysis of the Association of Official Analytical Chemists, 13th Edition, 1980, and in succeeding issues of the Journal of the Association of Official Analytical Chemists. In evaluating replicate data, Table 19, page 935, Journal of the Association of Official Analytical Chemists, Volume 49, No. 5, October, 1966, should be followed. ()

03. Investigational Allowances for Nitrogen, Phosphate and Potash. For guaranteed percentages not listed in the following table, calculate the appropriate investigational allowance by interpolation.

Guaranteed Percent	Nitrogen Percent	Available Phosphate Percent	Potash Percent
04 or less	0.49	0.67	0.41
05	0.51	0.67	0.43
06	0.52	0.67	0.47
07	0.54	0.68	0.53
08	0.55	0.68	0.60
09	0.57	0.68	0.65
10	0.58	0.69	0.70
12	0.61	0.69	0.79
14	0.63	0.70	0.87
16	0.67	0.70	0.94
18	0.70	0.71	1.01
20	0.73	0.72	1.08
22	0.75	0.72	1.15
24	0.78	0.73	1.21
26	0.81	0.73	1.27
28	0.83	0.74	1.33
30	0.86	0.75	1.39

Guaranteed Percent	Nitrogen Percent	Available Phosphate Percent	Potash Percent
32 or more (*)	0.88	0.76	1.44

(*For DAP and MAP, the Investigational Allowance for Available Phosphate is zero point seventy (0.70); for TSP, the Investigational Allowance shall be: one point fifty-two (1.52)). For dry custom mix fertilizers, an additional five percent (5%) of the guaranteed percentage shall be granted in addition to the allowances made in Subsection 470.03. ()

04. Investigational Allowance for Other Nutrients. Secondary and minor elements shall be deemed deficient if any element is below the guarantee by an amount exceeding the values in the following schedule:

Element	Investigational Allowance
Calcium	) 0.2 unit + 5% of guarantee
Magnesium	) 0.2 unit + 5% of guarantee
Sulfur	) 0.2 unit + 5% of guarantee
Boron	) 0.003 unit + 15% of guarantee
Cobalt	) 0.0001 unit + 30% of guarantee
Chlorine	) 0.005 unit + 10% of guarantee
Copper	) 0.005 unit + 10% of guarantee
Iron	) 0.005 unit + 10% of guarantee
Manganese	) 0.005 unit + 10% of guarantee
Molybdenum	) 0.0001 unit + 30% of guarantee
Sodium	) 0.005 unit + 10% of guarantee
Zinc	) 0.005 unit + 10% of guarantee

The maximum allowance when calculated as specified shall be one (1) unit (one percent (1%)). For dry custom mix fertilizers, an additional five percent (5%) of the guarantee shall be granted in addition to the allowances made above in this section. ()

05. Overall Index Value. The overall index value is calculated by comparing the commercial dollar value guaranteed with the commercial dollar value found (Commercial Dollar Value found / Commercial dollar value guaranteed) x 100). Unit dollar values of the nutrients used are those referred to in Section 22-612, Idaho Code. The Department will conduct periodic surveys of the industry to determine unit dollar values. ()

06. Examples. The following are examples of calculations for a custom mixed fertilizer of a 12-16-14 grade. For the purpose of these examples, the nutrient unit dollar values for all of the examples are assumed to be twenty-three cents (\$.23) per pound of nitrogen, twenty-seven cents (\$.27) per pound of available phosphate (P2O5), and eighteen cents (\$.18) per pound of potash (K2O).

Example 1. A ten thousand (10,000) pound batch of customer formula fertilizer guaranteed at 12.0-16.0-14.0 is analyzed and found at 10.6-16.4-14.3

Nutrient	Guaranteed	x price/lb	Found	x price/lb
N	12.0	\$2.76 (\$.23 x 12.0)	10.6	\$2.438 (\$.23 x 10.6)

Nutrient	Guaranteed	x price/lb	Found	x price/lb
P ₂ O ₅	16.0	\$4.32 (\$.27 x 16.0)	16.4	\$4.428 (\$.27 x 16.4)
K ₂ O	14.0	\$2.52 (\$.18 x 14.0)	14.3	\$2.574 (\$.18 x 14.3)
Total		\$9.60		\$9.44

Overall Index Value = $(\$9.44/\$9.60) \times 100 = 98.3\%$

However, the nitrogen value is in violation. The investigational allowance for a nitrogen guarantee of 12.0% is 0.61% (see the chart in section 02.06.12.050.03 above) plus an additional 5% of the guarantee for customer formula mixes. Therefore the nitrogen value must be at least 10.79%: $(12.0 - [.61 + 12.0(.05)] = 10.79\%)$ in order to be within permissible values.

To find the amount (Lbs.) of N deficiency multiply the percent guaranteed by the weight of the lot minus the percentage found multiplied by the weight of the lot.

$$(.12) (12\%) \text{ guaranteed} \times 10,000 \text{ lbs} - (.106) (10.6\%) \text{ found} \times 10,000 \text{ lbs} = 140 \text{ pounds}$$

The penalty will be calculated as three times the value of a deficiency of 140 pounds of nitrogen in the 10,000 pound batch. $3 \times [140 (\$.23)] = \96.60

Example 2. A ten thousand (10,000) pound batch of customer formula fertilizer guaranteed at 12.0-16.0-14.0 is analyzed at 11.1-15.3-13.1.

Nutrient	Guaranteed	x price/lb	Found	x price/lb
N	12.0	\$2.76 (\$.23 x 12.0)	11.1	\$2.553 (\$.23 x 11.1)
P ₂ O ₅	16.0	\$4.32 (\$.27 x 16.0)	15.3	\$4.131 (\$.27 x 15.3)
K ₂ O	14.0	\$2.52 (\$.18 x 14.0)	13.1	\$2.358 (\$.18 x 13.1)
Total		\$9.60		\$9.042

Overall Index Value = $(\$9.042/\$9.60) \times 100 = 94.2\%$

Although each of the individual nutrients is within the investigational allowance, the cumulative deficiency is reflected in the Overall Index Value.

The investigational allowance table shows for a nitrogen guarantee of 12%, the allowance is 0.61%. An additional allowance of 5% of the guarantee is 0.60%. The minimum nitrogen value is then $12.0 - [0.61 + (.05 \times 12)] = 10.79$.

The minimum acceptable values for P₂O₅ and K₂O will be 14.50 and 12.43, respectively.

The penalty will be calculated as follows:

Nutrient	Guaranteed lbs	-	Found lbs	=	Deficient lbs	x	price/lb
N	1200 (.12 x 10,000)	-	1110 (.111 x 10,000)	=	90	x	\$20.70 (\$.23 x 90 lbs)
P ₂ O ₅	1600 (.16 x 10,000)	-	1530 (.153 x 10,000)	=	70	x	\$18.90 (\$.27 x 70 lbs)

Nutrient	Guaranteed lbs	-	Found lbs	=	Deficient lbs	x	price/lb
K ₂ O	1400 (.14 x 10,000)	-	1310 (.131 x 10,000)	=	90	x	\$16.20 (\$.18 x 90 lbs)
Total							\$55.80

3 (\$55.80) = \$167.40

If the examples were specialty fertilizers rather than customer formula mixes, the penalties will be assessed in accordance with Section 22-611, Idaho Code. ()

471. -- 479. (RESERVED)

480. ITEMIZATION OF PLANT FOOD ELEMENTS WITHIN THE GUARANTEED ANALYSIS.
 When a product label sets forth the different components of plant nutrients, the percentage for each component shall be shown before that component's name.

EXAMPLES:	
Total Nitrogen (N)	_____ %
_____ %	Ammoniacal Nitrogen
_____ %	Nitrate Nitrogen
Magnesium (Mg)	_____ %
_____ %	Water Soluble Magnesium (Mg)
Sulfur (S)	_____ %
_____ %	Free Sulfur (S)
_____ %	Combined Sulfur (S)
Iron (Fe)	_____ %
_____ %	Chelated Iron (Fe)

EXAMPLES:	
Manganese (Mn)	_____ %
_____ %	Water Soluble Manganese (Mn)

()

481. -- 489. (RESERVED)

490. ORGANIC NITROGEN.

If an amount of nitrogen is designated as organic then the water insoluble nitrogen or the slow release nitrogen guarantee must not be less than sixty percent (60%) of the nitrogen so designated. Coated urea shall not be included in meeting the sixty percent (60%) requirement. ()

491. -- 503. (RESERVED)

SUBCHAPTER E – SOIL AND PLANT AMENDMENTS

504. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into Subchapter E: ()

01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication. The Terms, Ingredient Definitions, and Policies, as published in the “2020 Official Publication” of AAPFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 22, Chapter 6, Idaho Code, and any rule promulgated thereunder. A copy may be purchased online from the AAPFCO website at: www.aapfco.org. ()

02. The Merck Index. The “2013 Merck Index,” 15th Edition as published by Merck Research Laboratories Division of Merck & Co., Incorporated. The Merck Index is a copyrighted publication and not available in an electronic format. A copy may be purchased online from Merck & Co., Inc. (now hosted by the Royal Society of Chemistry) at <http://www.rsc.org/merckindex>. ()

03. The Association of Official Agricultural Chemists (AOAC) International. The “2019 Official Methods of Analysis (OMA) of the AOAC,” 21st Edition, a copyrighted publication, is maintained and published by the AOAC International. The AOAC OMA is available in electronic format at: www.EOMA.AOAC.org. A copy may be purchased online from AOAC International. ()

505. -- 509. (RESERVED)

510. DEFINITIONS.

In addition to the definitions found in Section 22-2203, Idaho Code, the following definitions apply in the interpretation and enforcement of this Subchapter E only: ()

01. Animal Manure. The excreta of animals together with whatever bedding material is present. ()

02. Dried Animal Manure. Animal manure resulting from confined animal feeding operations manipulated only to reduce the moisture content. ()

511. ABBREVIATIONS.

01. AAPFCO. Association of American Plant Food Control Officials. ()

02. **AOAC.** Association of Official Analytical Chemists, International. ()

03. **ISDA.** Idaho State Department of Agriculture. ()

512. -- 519. (RESERVED)

520. SOIL AMENDMENT AND PLANT AMENDMENT REGISTRATION.

Each separately identifiable soil amendment or plant amendment product shall be registered pursuant to Section 22-2205, Idaho Code. ()

01. Product Registration. All soil amendment and plant amendment companies, including companies engaged in custom-formula mixing of dry or liquid soil amendments or plant amendments, will comply with the product registration requirements of the Idaho Soil and Plant Amendment Act, Section 22-2205, Idaho Code, subject to the provisions of this chapter. ()

02. Exemptions from Registration. ()

a. Dried animal manure without nutrient claims and not commercially packaged or labeled. ()

b. Horticultural growing media containing live plant material. ()

03. Alteration from Original State. When a soil amendment or plant amendment that has been registered is mixed, added to, or in any way changed from its original content, it is a different product, and must be registered as provided under Section 22-2205, Idaho Code. ()

04. Sale of Soil Amendment or Plant Amendment. When a commercial soil amendment or plant amendment is removed from the package or container in which it was placed by the original registrant and then offered for sale by a person other than the original registrant, it is a different product and shall be registered in accordance with Section 22-2205, Idaho Code, except that it is not subject to an additional inspection fee as provided under Section 22-2208, Idaho Code, provided that said fee was paid on the product by the original or prior registrant. ()

521. -- 529. (RESERVED)

530. SOIL AMENDMENT AND PLANT AMENDMENT LABELS.

01. Content or Guaranteed Analysis Exemptions. ()

a. The labeling requirements of the Idaho Soil and Plant Amendments Act, Section 22-2207(1)(c), Idaho Code, requiring that soil and plant amending ingredients and other ingredients shall be stated in terms of percentage is required except the following single ingredient soil amendments, when clearly and conspicuously identified as such on the label, are exempt from the content or guaranteed analysis: ()

i. Mulch; ()

ii. Peat; ()

iii. Perlite; ()

iv. Vermiculite; and ()

v. Vermicompost. ()

b. In lieu of a content or guaranteed analysis as required in Section 22-2207(1)(c), Idaho Code, the label of the following soil amendments when clearly and conspicuously identified as such on the label may include an ingredient statement: ()

- i. Compost; ()
- ii. Garden Soil; ()
- iii. Landscape Soil; ()
- iv. Mulch; ()
- v. Planting Mix; and ()
- vi. Potting Mix. ()

c. In lieu of a content or guaranteed analysis as required in Section 22-2207(1)(c), Idaho Code, a product that claims the presence of a microbe(s), other than naturally occurring microbes, shall guarantee the microbe(s) as follows: ()

- i. Minimum number of each claimed viable organism at the genus and species level in colony forming units (CFU), spores or propagules per gram or milliliter (cm³); ()
- ii. Expiration date; and ()
- iii. Storage & handling instructions. ()

02. Nutrient Claims and the Use of the Term “Fertilizer.” ()

a. The term “fertilizer” and like terms shall not be used in labeling or literature to describe a soil amendment or plant amendment. ()

b. Nutrient claims do not change the primary intended use of a soil or plant amendment product. Any nutrient claim shall be provided on the labeling and literature as an estimated range and stated as a percentage. Nutrient claims and estimates must be supported by lab analysis or documentation acceptable by the ISDA. ()

c. Labeling or literature that makes nutrient claims or estimates is required to contain the following statement: “This product is recognized for its soil amendment characteristics. It is recognized that it has nutrient value. Any nutrient claims, verbal or written, are estimates and not guaranteed.” ()

d. At the discretion of the registrant, labeling or literature that does not make nutrient claims or estimates may contain the following statement: “This product is recognized for its soil amendment characteristics. It is recognized that it has nutrient value. Any nutrient claims, verbal or written, are estimates and not guaranteed.” ()

e. A guaranteed analysis of plant nutrients will be permitted on potting soils, landscape and garden soils, and related amendment products containing only levels of fertilizer sufficient to initiate growth. ()

03. Microbiological Product. If the soil amendment or plant amendment is a microbiological product intended as an inoculum, the product label shall include an expiration date and state the number and kind of viable organisms per milliliter or, if the product is other than liquid, state the number and kind of viable organisms per gram. However, if the soil amendment or plant amendment is derived from a microbiological process or culture but is not intended as an inoculum, then the product label shall state that the product is not a viable culture. ()

04. Ninety-Five Percent Rule. When a soil amendment or plant amendment is labeled as a specific material, such as peat moss or leaf mold, the product shall consist of not less than ninety-five percent (95%) of that specific material. ()

05. Other Ingredients. When the name of an ingredient(s) appears on the label of a soil amendment or plant amendment and is not one of the ingredients required to be listed, the percentage of that ingredient(s) shall

appear prominently in print of the same size and color. ()

06. Warning or Caution Statements. The ISDA may require a registrant to include a warning or caution statement to ensure safety to handlers, crops, and the environment. ()

07. Precautionary Statements. ISDA may require precautionary statements when needed for safe and effective use of the soil amendment or plant amendment. ()

531. -- 539. (RESERVED)

540. SAMPLING AND ANALYSIS.

The methods of sampling and analysis shall be those of AAPFCO, AOAC, or other methods as approved by the ISDA. ()

541. -- 999. (RESERVED)

Overview of Incorporations by Reference for IDAPA 02.06.02–Rules Governing Registrations and Licenses

INCORPORATION BY REFERENCE SYNOPSIS

In compliance with Section 67-5223(4), Idaho Code, the following is a synopsis of the differences between the materials previously incorporated by reference in this rule that are currently of full force and effect and newly revised or amended versions of these same materials that are being proposed for incorporation by reference under this rulemaking.

The following agency of the state of Idaho has prepared this synopsis as part of the proposed rulemaking for the chapter cited here under the docket number specified:

Idaho State Department of Agriculture

IDAPA 02.06.02 - Rules Governing Registrations and Licenses- Docket No. 02-0602-1902

IDAPA 02.06.02 incorporates by reference the official publications of the Association of American Feed Control Officials (AAFCO) and the Association of American Plant Food Control Officials (AAPFCO), the Merck Index and the Association of Official Agricultural Chemists (AOAC) International.

IDAPA 02.06.02...104. INCORPORATION BY REFERENCE. The following documents are incorporated by reference into this Subchapter A:

01. The Association of American Feed Control Officials (AAFCO) Official Publication. The Terms, Ingredient Definitions and Policies as published in the “2020 Official Publication” of AAFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 25, Chapter 27, Idaho Code, and any rule promulgated thereunder. A copy may be purchased online from the AAFCO website at: www.aafco.org.

02. The Merck Index. The “2013 Merck Index,” 15th Edition, as published by Merck Research Laboratories Division of Merck & Co., Incorporated. The Merck Index is a copyrighted publication and not available in an electronic format. A copy may be purchased online from Merck & Co., Inc at: <http://www.rsc.org/merckindex>.

IDAPA 02.06.02...404. INCORPORATION BY REFERENCE. The following documents are incorporated by reference into Subchapter D:

01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication. The Terms, Ingredient Definitions, and Policies, as published in the “2020 Official Publication” of AAPFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 22, Chapter 6, Idaho Code, and any rule promulgated thereunder. A copy may be purchased online from the AAPFCO website at: www.aapfco.org.

02. The Merck Index. The “2013 Merck Index,” 15th Edition as published by Merck Research Laboratories Division of Merck & Co., Incorporated. The Merck Index is a copyrighted publication and not available in an electronic format. A copy may be purchased online from Merck & Co., Inc. (now hosted by the Royal Society of Chemistry) at: <http://www.rsc.org/merckindex>. ~~(4-7-11)~~

03. The Association of Official Agricultural Chemists (AOAC) International. The “2019 Official Methods of Analysis (OMA) of the AOAC,” 21st Edition, a copyrighted publication, is maintained and published by the AOAC International. The AOAC OMA is available in electronic format at: www.EOMA.AOAC.org. A copy may be purchased online from AOAC International. ~~(3-29-12)~~

504. INCORPORATION BY REFERENCE. The following documents are incorporated by reference into Subchapter E:

01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication. The Terms, Ingredient Definitions, and Policies, as published in the “2020 Official Publication” of AAPFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 22, Chapter 6, Idaho Code, and any rule promulgated thereunder. A copy may be purchased online from the AAPFCO website at: www.aapfco.org.

02. The Merck Index. The “2013 Merck Index,” 15th Edition as published by Merck Research Laboratories Division of Merck & Co., Incorporated. The Merck Index is a copyrighted publication and not available in an electronic format. A copy may be purchased online from Merck & Co., Inc. (now hosted by the Royal Society of Chemistry) at: <http://www.rsc.org/merckindex>.

03. The Association of Official Agricultural Chemists (AOAC) International. The “2019 Official Methods of Analysis (OMA) of the AOAC,” 21st Edition, a copyrighted publication, is maintained and published by the AOAC International. The AOAC OMA is available in electronic format at: www.EOMA.AOAC.org. A copy may be purchased online from AOAC International.

The following changes from the 2019 meetings minutes will be made to the 2020 AAFCO official publication incorporated by reference.

- 1) The AAFCO Board of Directors accepted the recommendation from the IDC to move the Enzyme Marketing Coordination document from chapter 5 to chapter 6 and place after Table 30.1 in the AAFCO Official Publication and recommends the same to the membership.
 - 2) The AAFCO Board of Directors accepted the recommendation from the IDC to Add 2 Carbohydrases to Table 30.1 in the AAFCO Official Publication.
 - 3) Publish the following tentative definitions as Official and remove the existing Official Definition, if any.
 - a) The AAFCO Board of Directors accepted the recommendation from the IDC to publish T6.12 Taurine in the AAFCO Official Publication as an Official definition and remove the existing Official definition.
 - b) The AAFCO Board of Directors accepted the recommendation from the IDC to publish T60.117(B) Dried Black Soldier Fly Larvae in the AAFCO Official Publication as an Official definition and remove the existing Official Definition.
 - c) The AAFCO Board of Directors accepted the recommendation from the IDC to publish T71.35 Brassica carinata Meal, Solvent Extracted in the AAFCO Official Publication as an Official definition and remove the existing Official Definition.
 - d) The AAFCO Board of Directors accepted the recommendation from the IDC to publish T73.051 Iron Tartrates in the AAFCO Official Publication as an Official definition and remove the existing Official Definition.
 - e) The AAFCO Board of Directors accepted the recommendation from the IDC to publish T73.400 Iron Nickel Tracer in the AAFCO Official Publication as an Official definition and remove the existing Official Definition.
 - f) The AAFCO Board of Directors accepted the recommendation from the IDC to publish T87.35 Glucose Syrup in the AAFCO Official Publication as an Official definition and remove the existing Official Definition.
 - g) The AAFCO Board of Directors accepted the recommendation from the IDC to publish T96.14 Scheffersomyces stipitis Dried Yeast in the AAFCO Official Publication as an Official definition and remove the existing Official Definition.
 - 4) Establish and publish in the Official Publication a new tentative definition(s) for:
 - a) The AAFCO Board of Directors accepted the recommendation from the IDC to establish and publish T57.167 Manganese Hydroxychloride in the AAFCO Official Publication as a new tentative definition.
 - b) The AAFCO Board of Directors accepted the recommendation from the IDC to establish and publish T73.311 (A) Hydrogenated Glycerides in the AAFCO Official Publication as a new tentative definition.
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- c) The AAFCO Board of Directors accepted the recommendation from the IDC to establish and publish T73.401 Colored Graphite Tracer in the AAFCO Official Publication as a new tentative definition.
- 5) Publish the following definitions as Official in the Official Publication:
- a) The AAFCO Board of Directors accepted the recommendation from the IDC to publish 73.046 Silicon dioxide as Official in the AAFCO Official Publication.
 - b) The AAFCO Board of Directors accepted the recommendation from the IDC to publish the New feed term Common or usual name in the AAFCO Official Publication.
 - c) The AAFCO Board of Directors accepted the recommendation from the IDC to publish 33.27 Marine Microalgae as Official in the AAFCO Official Publication.
 - d) The AAFCO Board of Directors accepted the recommendation from the IDC to Update Table 36.14 with both the new and the old microorganism names, with a compliance date of January 2022 until which date it is acceptable to use either name, in the AAFCO Official Publication.
 - e) The AAFCO Board of Directors accepted the recommendation from the IDC to publish 90.9 25-hydroxyvitamin D3 as Official in the AAFCO Official Publication.
- 6) The AAFCO Board of Directors accepted the recommendation from the IDC to Add AAFCO Definitions 84.62, 84.16, 84.63, 84.64, & 84.71 to the collective term Plant Protein in the Official Publication.
- 7) Add to GRAS Notification table in Section 101.
- a) The AAFCO Board of Directors accepted the recommendation from the IDC to Add L-Glutamine the subject of AGRN 19 to GRAS Notification table in section 101 in the Official Publication.
 - b) The AAFCO Board of Directors accepted the recommendation from the IDC to Add phytase the subject of AGRN 21 to GRAS Notification table in section 101 in the Official Publication.
- 8) The AAFCO Board of Directors accepted the recommendation from the IDC to Delete Definition T73.311 Hydrogenated Glycerides if T73.311 (A) is accepted by Association membership from the Official Publication.
- 9) Edit tables with results to be reflected as official
- a) The AAFCO Board of Directors accepted the recommendation from the IDC to edit Table 101.1 AGRN 24 L-Methionine 90% with results to be reflected as official in the Official Publication.
- 10) The AAFCO Board of Directors accepted the recommendation from the IDC to Delete Definition 33.19 Hydrogenated Glycerides as an energy source. See page 383 of the 2018 online OP revision 1 from the Official Publication.
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Education and Training

1) The AAFCO Board of Directors accepted the recommendation from the Education and Training Committee’s recommendation that the “Model Training Manual” for Animal Feed Inspectors, (Version: Final Draft, July 30, 2018) be accepted as the official AAFCO “Model Training Manual” to be utilized by Animal Feed Inspection Programs for development of their Training Plan as well as On The Job Training (OJT).

Model Bills

1) The AAFCO Board of Directors accepted the recommendation from the The Model Bills and Regulations Committee that the following language be added to the Model Regulations for Pet Food and Specialty Pet Food Under the Model Bill as PF2(a)(8) and current PF2(a)(8) be changed to PF2(a)(9), PF2(a)(8): A statement of calorie content if required under PF9.

The AAFCO Board of Directors accepted the recommendation from the IDC and recommends the same to the membership to Revise Feed Term “Canned” to read: Canned (Process) a term applied to animal feed which has been processed, commercially sterilized, and sealed according to 21 CFR part 113 in hermetically sealed containers such as but not limited to cans, pouches, tubs and trays.

2) The AAFCO Board of Directors did not accept the recommendation from the IDC to Publish the New Feed Term “Slaughter” to read: Slaughter a process of killing an animal for food or feed and recommends the same to the membership.

3) Publish the following tentative definitions as Official and remove the existing Official definition, if any.

a) The AAFCO Board of Directors accepted the recommendation from the IDC to T71.40 Low Glucosinolate High Erucic Acid Rapeseed Meal, Solvent Extracted,** in the AAFCO Official Publication as a tentative definition and remove the existing Official definition.

4) The AAFCO Board of Directors accepted the recommendation from the IDC and recommends the same to the membership to establish and publish in the AAFCO Official Publication a new tentative definition for T3.1 Suncured Alfalfa Meal, or Pellets, or Ground Alfalfa Hay. Leave 3.1 in place.

a) T3.1 Suncured Alfalfa Meal, or Pellets, or Ground Alfalfa Hay: is the aerial portion of the alfalfa plant, reasonably free of other crop plants, weeds, and mold, which has been dried by solar means, stored as bales or stacks, and finely or coarsely ground. If it is chopped instead of ground, it must be designated as “Suncured Chopped Alfalfa” or “Chopped Alfalfa Hay”. If the ingredient is further dehydrated by thermal means after being ground, it must be designated as “Dehydrated Suncured Alfalfa Meal, or Pellets”

5) Modify and publish the following definitions as Official in the Official Publication:

a) The AAFCO Board of Directors accepted the recommendation from the IDC to publish 33.17 Gamma-linolenic acid safflower oil as Official in the AAFCO Official Publication.

b) The AAFCO Board of Directors accepted the recommendation from the IDC to publish 73.046 Silicon dioxide as Official in the AAFCO Official Publication.

6) Publish the following new definition as Tentative in the Official Publication:

a) The AAFCO Board of Directors accepted the recommendation from the IDC to publish T60.118 Ground Juniper in the AAFCO Official Publication.

7) Publish the following new definition as Official in the Official Publication:

a) The AAFCO Board of Directors accepted the recommendation from the IDC to publish 57.168 Selenomethionine hydroxy analogue as Official in the AAFCO Official Publication.

Model Bills

Report starts on page 45 of the Committee Report Book

1) The AAFCO Board of Directors accepted the recommendation from the Model Bills and Regulations Committee that the following revisions be made to the Statements for Uniform Interpretation and Policy (SUIP) of Chapter 5 in the AAFCO Official Publication to add the following preamble to the SUIP section of the AAFCO Official Publication.

2) The AAFCO Board of Directors accepted the recommendation from the Model Bills and Regulations Committee to delete SUIP 10.

3) The AAFCO Board of Directors accepted the recommendation from The Model Bills and Regulations Committee and recommends the same to membership to move SUIP 15 – Raw Leather Residue to Regulation 10 – Adulterant of the Model Regulations under the Model Bill by adding the following language:

10(a)(6) Raw leather residue from tanning or leather manufacturing.

4) The AAFCO Board of Directors accepted the recommendation from The Model Bills and Regulations Committee and recommends the same to membership to delete SUIP 15 if Regulation 10(a)(6).

5) The AAFCO Board of Directors accepted the recommendation from The Model Bill and Regulations Committee and recommends the same to membership to add Regulation 8(b) language to the Model Regulations under the Model Bill based on SUIP 19 regarding Feeding or Use Directions for Feeds Containing High Levels of Non-Protein Sources of Nitrogen and moving current Regulation 8(b) and (c) items to Regulation 8(c) and (d) respectively.

6) The AAFCO Board of Directors accepted the recommendation from The Model Bills and Regulations Committee and recommends the same to membership to delete SU19 if Regulation 8(b) is approved.

7) The AAFCO Board of Directors accepted the recommendation from The Model Bills and Regulations Committee and recommends the same to membership to revise Regulation 4 – Expression of Guarantees of the Model Regulations Under the Model Bill.

8) The AAFCO Board of Directors accepted the recommendation from The Model Bills and Regulations Committee and recommends the same to membership to revise Regulation PF4 – Expression of Guarantees of the Model Regulations for Pet Food and Specialty Pet Food Under the Model Bill.

9) The AAFCO Board of Directors accepted the recommendation from The Model Bills and Regulations Committee and recommends the same to membership to revise Regulation PF9 – Statements of Calorie Content of the Model Regulations for Pet Food and Specialty Pet Food Under the Model Bill.

Strategic Affairs

Report starts on page 66 of the Committee Report Book:

1) The AAFCO Board of Directors accepted the recommendation from The Strategic Affairs Committee and recommends the same to membership to edit Advisors on page 20 of the 2019 OP.

2) The AAFCO Board of Directors accepted the recommendation from The Strategic Affairs Committee and recommends the same to membership to edit Advisors on page 102 of the 2019 OP and page 14 of the Procedures Manual.

3) The AAFCO Board of Directors accepted the recommendation from The Strategic Affairs Committee and recommends the same to membership to edit Subcommittees on page 102 of the 2019 OP and page 14 of the Procedures manual.

The following changes from the 2019 meetings minutes will be made to the 2020 AAPFCO official publication incorporated by reference.

Model Bills:

Remain Tentative

- Committee recommended the addition of [ALSO] CONTAINS NON-PLANT FOOD INGREDIENT(S) to Section 2. Fertilizer Labels (f) OP 72page 49-50 Example:

(f) Beneficial substances or compounds guarantees shall appear under the heading “Contains Beneficial Substances” or “Contains Beneficial Compounds”.

[ALSO] CONTAINS NON-PLANT FOOD INGREDIENT(S)

Beneficial Substances

Beneficial Substance.....% or acceptable units 10

Purpose statement:

Or

[ALSO] CONTAINS NON-PLANT FOOD INGREDIENT(S)

Beneficial Compounds

Beneficial Compound% or acceptable units

Purpose statement:

(NOTE: [(Also) addition Tentative SA 2018, WA 2019])

-
- Committee recommended the addition of [ALSO] CONTAINS NON-PLANT FOOD INGREDIENT(S) to the Soil Amendment Model Bill OP 72 page 141:

Section 4. Labeling (a)(3) Guaranteed Analysis. Example:

[ALSO] CONTAINS NON-PLANT FOOD INGREDIENT(S)

Soil Amending ingredients

“Name of ingredient” _____%

(identify and list all)

Total Other Ingredients _____ %

(NOTE: [(Also) addition Tentative SA 2018, WA 2019])

Raise to Official

- Committee recommended the addition of an exemption section to the Model Soil Amendment Bill (OP 72, Page 147) addition of new “(e) “ and Model Fertilizer Bill Regulations “10.” (OP 72, page 54) , the wording to be added would be:

[(e) Format exemptions. The department may exempt a soil amendment from any guaranteed analysis format requirement under _____ if the person requesting the exemption demonstrates all of the following to the department's satisfaction: Page 9

- 1.) Another state, which has authorized sale of the soil amendment, has a conflicting statute or regulation.
- (2.) The format exemption will reconcile the conflict under par. (1.).
- (3.) The format exemption will not affect, to the detriment of purchasers in this state, any claim or disclosure related to product performance, use, purpose, efficacy, or active ingredients.
- (4.) The format exemption will not cause the product label to be false, deceptive, or misleading in any respect.
- (5.) The format required by the other state satisfies the objectives of _____.
- (6.) The format required by the other state does not violate applicable labeling requirements, if any, under _____. (Tentative SA 2018, WA 2019)]

-
- Under the model Rules and Regulation- Fertilizer (page 54)

[10. Exemptions

- (a.) Format exemptions. The department may exempt a fertilizer from any guaranteed analysis format requirement under _____ if the person requesting the exemption demonstrates all of the following to the department's satisfaction:
- (1.) Another state, which has authorized sale of the fertilizer, has a conflicting statute or regulation.
 - (2.) The format exemption will reconcile the conflict under par. (1.).
 - (3.) The format exemption will not affect, to the detriment of purchasers in this state, any claim or disclosure related to product performance, use, purpose, efficacy, or active ingredients.
 - (4.) The format exemption will not cause the product label to be false, deceptive, or misleading in any respect.
-

(5.) The format required by the other state satisfies the objectives of _____.

(6.) The format required by the other state does not violate applicable labeling requirements, if any, under _____. (Tentative SA 2018, WA 2019)]

Terms and Definitions:

To remain Tentative

Fe-25 Iron (II) Gluconate – is an iron(II) Chelate complex of gluconic acid, and is commonly expressed as Fe gluconate. (Tentative SA 2018, WA2018) OP 72 pg103, 132

Zn-22 Zinc (II) Gluconate – is a zinc (II) Chelate complex of gluconic acid, and is commonly expressed as Zn gluconate. (Tentative SA 2018, WA2018) OP 72 pg105, 135

T-109 Maleic-Itaconic Copolymer, Calcium Salt – A substance composed of a partial calcium salt of maleic-itaconic copolymer that can be applied to granular urea fertilizers or mixed with liquid ammoniacal nitrogen/urea fertilizers.(Tentative SA 2018, WA 2019) (OP72, pg 83,115)

T-110 Maleic-Itaconic Copolymer, Sodium Salt – A substance composed of a partial sodium salt of maleic-itaconic copolymer that can be applied to granular phosphate fertilizers. .(Tentative SA 2018, WA 2019) (OP72, pg 83,115)

T-108 Maleic-Itaconic Copolymer, Ammonium Salt – A substance composed of a partial ammonium salt of maleic-itaconic copolymer that can be mixed with liquid phosphate fertilizers. .(Tentative SA 2018, WA 2019) (OP72, pg 83,115)

T-113 Endomycorrhizal fungal propagules– are the structures of endomycorrhizal fungi that are capable of forming a symbiotic association with plant roots. These structures are

endomycorrhizal spores and root fragments colonized by endomycorrhizal fungi. (Tentative WA 2019)

T-114 Mycorrhizal fungi – are fungi that are capable of forming mutually beneficial symbiotic associations between the fungal mycelium and the roots of vascular plants. These fungi include endomycorrhizal fungi and ectomycorrhizal fungi. (Tentative WA 2019) Page 10

T- 116 Ectomycorrhizal fungal propagule – is a structure of ectomycorrhizal fungi that is capable of forming a symbiotic association with plant roots. These structures are spores of ectomycorrhizal fungi. (Tentative WA 2019)

T-120 Beneficial bacteria – are bacteria that may enhance plant growth and yield, either directly by colonizing roots and fixing nitrogen, or indirectly, by increasing the availability of nutrients from the soil. Beneficial bacteria may also help plants tolerate abiotic stress and/or help with plant nutrient uptake. Beneficial bacteria are expressed as genus and species, and, if applicable strain,

and guaranteed by an amount, designated as colony-forming units per gram (for dry products) or milliliter (for liquid products). (Tentative WA 2019)

T-121 Colony-forming unit (CFU) – is a unit used to quantify the viable cells of bacteria and culturable fungi in a sample. It is a measure of the number of individual colonies formed when the inoculum is plated using microbiological culture methods appropriate for that organism. (Tentative WA 2019)

Cu-12 Copper Glucoheptonate – is a copper (II) chelate complex of glucoheptinic acid and is commonly expressed as Cu Glucoheptonate. (Tentative WA 2019) OP 72, pg 101,130

Fe-14 Iron Glucoheptonate – is an iron (III) chelate complex of glucoheptinic acid and is commonly expressed as Fe Glucoheptonate. (Tentative WA 2019) OP 72, pg 103,132

Mn-11 Manganese Glucoheptonate – is a manganese (II) chelate complex of glucoheptinic acid and is commonly expressed as Mn Glucoheptonate. (Tentative WA 2019) OP 72, pg 104,133

Zn-13 Zinc Glucoheptonate – is a zinc (II) chelate complex of glucoheptinic acid and is commonly expressed as Zn Glucoheptonate. (Tentative WA 2019) OP 72, pg 105,134

Raise to Official

Mn-20 Manganese (II) Gluconate – is a manganese (II) chelate of gluconic acid, and is commonly expressed as Mn gluconate. (Tentative WA 2019) OP 72, pg 104,133

S-13# - Elemental Sulfur(S⁰) – Sulfur existing in its elemental form. It can be sourced from the refining process of crude oil or mined from natural sources. Elemental sulfur is a source of slow release sulfur. Particles of less than 100µm in size have been shown to oxidize over a growing season to become plant available. (Tentative WA 2019) OP 72, pg 100,129

T-111 Free Sulfur – Represents the elemental sulfur in a sulfur sub-guarantee. (Tentative WA 2019)

T-112 Combined Sulfur – refers to sulfur combined with other elements, primarily by ionic bonds. Combined sulfur can be present in many forms, the most common is sulfate sulfur (SO₄²⁻). This is the plant available form of sulfur derived from salts containing the sulfate ion SO₄²⁻ and positively charged ions such as those of ammonium and magnesium. Many other forms of combined sulfur can and do exist. (Tentative WA 2019)

P-39 Hydroxylapatite - is a naturally-formed phosphate rock with the formula Ca₅(PO₄)₃(OH). The Fluorine content is less than 1%. (Tentative WA 2019)

K-23 Potassium Hydrogen Phosphate Dihydrate – Inorganic water soluble fertilizer; Double salt of Monopotassium Phosphate and Dipotassium Phosphate. It shall contain forty-two (42%) to

forty-five (45%) available phosphate and forty-two (42%) to forty-five (45%) soluble potash. (CAS Number 66922-99-4) (Tentative WA 2019)

T-124~~6~~ Pronitridine – is a water-soluble reaction product of urea, ammonium hydroxide, N-cyanoguanidine, and formaldehyde. It is a nitrification inhibitor (CAS Number 1373256-33-7) (Tentative WA 2019)

Delete Tentative Terms

T- 117 Endomycorrhizal fungi [also Arbuscular Mycorrhizal Fungi (AMF)] – any mycorrhizal fungi that form vesicles and Arbuscules in root cells. Also - vesicular arbuscular mycorrhizae (VAM)] are members of the phylum Glomeromycota, one the largest groups of endomycorrhizal fungi. Only the numbers of spores or propagules are allowed in product guarantees. (Tentative WA 2019)

T- 118 Endomycorrhiza(e) - A mycorrhizal association with intracellular penetration of the host root cortical cells by the fungus as well as outward extension into the surrounding soil. (Tentative WA 2019)

T-119 Ectomycorrhiza(e) - Fungal associations characterized by two structural components between the mycelium and the plant root; a sheath or mantle of fungal tissue which encloses a plant root, a intricate inward growth of hyphae between the epidermal and cortical cells called the Hartig net. (Tentative WA 2019)

Place in Tentative:

N-67 - Calcium Ammonium Nitrate (CAN) – A nitrogenous fertilizer derived from ammonium nitrate which contains a minimum of 20% calcium material (e.g. calcite or dolomite) and a maximum of 27% nitrogen. The material can be substituted with calcium sulfate (gypsum). It is a source of water soluble nitrogen but not a source of water soluble calcium. It may be granular or prilled.[A dry fertilizer prill or granule containing as its essential ingredients only ammonium nitrate and calcium carbonate (e.g. limestone) and/or magnesium carbonate and calcium carbonate (e.g. dolomite), prepared as a homogeneous mixture, with a maximum combustible material content, expressed as organic carbon, of 0.4% by weight. The minimum content of such calcium and/or magnesium carbonates in this product is 20% by weight and their purity level is 90% by weight minimum. The calcium in this product is not water- soluble.] (Tentative WA 2019) OP 72, pg 88, 120

Below is the current SUIP #6

6. Mixtures of Ammonium Nitrate and Limestone or Dolomite – These shall not be designated as “ammonium calcium nitrate”, “calcium ammonium nitrate” or similar names which imply the

presence of either calcium nitrate or ammonium carbonate in such mixture.(Official 1953) OP 72
pg 70

SUIP #6 would be amended as follows:

[6. Calcium Ammonium Nitrate

Calcium Ammonium Nitrate (CAN) In the CAN production process, the carbonates are added as a fine powder with a minimum of 80 percent of the powder smaller than 250 microns. Carbonates are either added directly to the CAN granulator or premixed with a concentrated ammonium nitrate solution to produce a homogeneous slurry that is fed into the granulation or prilling section. The solid CAN that is produced contains an intimate homogenous mixture in which each single particle has a similar ammonium nitrate/carbonates ratio.

Mixtures of Ammonium Nitrate and Limestone or Dolomite A physical blend of dry fertilizer grade ammonium nitrate granules or prills with carbonates (e.g., limestone granules or chips) giving the same average chemical composition as CAN does not qualify as CAN under this definition if any of its individual blended constituents containing ammonium nitrate.]

N-68 Ammonium Calcium Nitrate Double Salt – Is a (fertilizer grade) hydrated double salt (calcium nitrate and ammonium nitrate) formulated from nitric acid. It is a prill or granular dry product and is a single water-soluble compound but not a mixture/blend of multiple sources. This product shall contain a minimum of 15.0% nitrogen and 18.5% calcium and at least 12% water of crystallization. It has less than 10% ammonium nitrate by weight. It is further identified by CAS# 15245-12-2. (Tentative WA 2019)

N-69 Calcium Nitrate – Is the calcium salt of nitric acid, this product shall not contain an ammonium ion. It encompasses both the anhydrous form (CAS# 10124-37-5) and the hydrated form (CAS# 13477-34-4) of the salt. (Tentative WA 2019) Page 12

T- 122 Duromide~~®~~ – Reaction product of N-(n-butyl)thiophosphoric triamide, urea and formaldehyde, that acts as a urease inhibitor (CAS Number 2093385-47-6). (Tentative WA 2019)

T-123 Polyacrylamide – A water-soluble (linear polymer) substance used for soil amendment, wherein the substance is copolymerized and applied in dry granular or emulsion forms to soils. The substance is characteristically anionic, with charge density of 5-40%, a molecular weight range of 8-20 mg/mol, and is made up of variable ratios of acrylamide and acrylic acid monomer. Usage can reduce soil-surface sealing and soil erosion due to irrigation or rain events. As a result, the substance retains mineral nutrients for plant-uptake availability, and improves the efficiency of applied mineral nutrients e.g. Potassium, Calcium, Magnesium, Nitrogen and Phosphorus. (Tentative WA 2019)

N-70 Ammonium Bicarbonate – The bicarbonate salt of the ammonium ion with the chemical formula of $(\text{NH}_4)\text{HCO}_3$ it shall contain not less than 17% total nitrogen. CAS# 1066- 33-7. In its solid form ammonium bicarbonate is water soluble. (Tentative WA 2019)

BSC-8 Uncalcined Diatomaceous Earth (DE) – containing amorphous silicon dioxide of the *Melosira granulata* species is a natural source of soluble silicon, Ca, Mg, and Fe. (Tentative WA 2019)

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.06.04 – RULES GOVERNING PLANT EXPORTS
DOCKET NO. 02-0604-1901 (NEW CHAPTER, FEE RULE)
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 22-107, 22-112, and 22-2303(5), Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

PUBLIC HEARING
Thursday, November 14, 2019 @ 9:00 a.m.
Idaho State Department of Agriculture 2270 Old Penitentiary Road Boise, ID 83712

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking: Three rules administered by the ISDA are related to plant exports. These rules are IDAPA 02.06.34, “Rules Concerning Virus-Free Certification of Nursery Stock,” IDAPA 02.06.40, “Rules Governing Ginseng Export,” and IDAPA 02.06.04, “Phytosanitary and Post-Entry Seed Certification Rules.” These rules were promulgated to carry out requirements described in Title 22, Chapters 1, 7, and 23. In order to streamline and simplify rules related to plant exports, the ISDA has decided to combine all three rules into a single rule to be titled “**02.06.04, Rules Governing Plant Exports.**” No substantive changes are being made to the three rules cited above. All rules were reviewed for amendment or repeal of select sections in order to comply with the Red Tape Reduction Act.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: Fees included in the original rules have not been changed in the new combined rule. Fees associated with these rules are imposed pursuant to Sections 22-107, 22-112, and 22-2305, Idaho Code.

IDAHO CODE SECTION 22-101A STATEMENT: Section 22-101A, Idaho Code, requires that in this notice of proposed rulemaking, the Director must specify whether this rule is broader in scope or more stringent than federal law or regulations, or regulates an activity not regulated by the federal government. This Rule, in its entirety, regulates an activity not regulated by the federal government.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

There is no change in fiscal impact because of this consolidation rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted on September 18, 2019. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the September 4, 2019 Idaho Administrative Bulletin, [Vol. 19-9, Pages 15-19](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: This section is not applicable as there are no materials incorporated by reference in this rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lloyd Knight, Administrator, at (208) 332-8664.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 27, 2019.

Dated this 3rd day of October, 2019.

Brian Oakey, Deputy Director
Idaho Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249, Boise, Idaho 83707
Phone: (208) 332-8552 / Fax: (208) 334-2710

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 02-0604-1901
(New Chapter)

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. ()

001. TITLE AND SCOPE.

01. Title. The title of this chapter is “Rules Governing Plant Exports.” ()

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. These rules also govern procedures for voluntary certification of virus-free nursery stock for export. ()

002. – 109. (RESERVED)

SUBCHAPTER A – PHYTOSANITARY AND POST-ENTRY SEED CERTIFICATION

110. DEFINITIONS.

The definitions found in Section 110 apply to the interpretation and enforcement of Subchapter A only: ()

01. Applicant. Any person applying for an inspection or certification under Subchapter A. ()

02. 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. ()

03. Federal Phytosanitary Certificate for Reexport. This certificate is issued by the Department pursuant to a “Memorandum of Understanding” as referenced in Subsection 110.02 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. ()

04. 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. ()

05. 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 will be carried out only after a mutual agreement between the applicant and the Department. ()

06. 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 110.02. 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 will 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. ()

111. -- 119. (RESERVED)

120. 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 will be numbered serially and the boundaries of each 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. ()

- 01. Area 1.** Kootenai County. ()
- 02. Area 2.** Benewah County. ()
- 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. ()
- 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 ()
- 05. Area 5.** Lewis County. ()
- 06. Area 6.** Canyon, Ada, Owyhee, Payette, Washington and Gem Counties. ()
- 07. Area 7.** Gooding, Jerome, Lincoln and Elmore Counties. ()
- 08. Area 8.** Twin Falls County. ()
- 09. Area 9.** Cassia County. ()
- 10. Area 10.** That portion of Minidoka County lying south of the main line of the Union Pacific Railroad. ()
- 11. Area 11.** That portion of Minidoka County lying north of the main line of the Union Pacific Railroad. ()
- 12. Area 12.** Bingham, Bonneville, Power and Bannock Counties. ()
- 13. Area 13.** Jefferson, Madison, Fremont, Teton, Clark and Butte Counties. ()
- 14. Area 14.** All other agricultural areas of the state not specifically designated above. ()

121. -- 129. (RESERVED)

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

01. **Minimum Field Inspection(s).** Unless otherwise requested by the applicant, minimum field inspections for diseases will be as follows: ()

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. ()

b. Peas: Bacterial blight, *Pseudomonas* species. ()

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. ()

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

e. Lettuce: Lettuce mosaic virus. ()

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

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*. ()

h. Carrot: Bacterial blight *Xanthomonas campestris* pv. *carotae*, soft rot - *Erwinia carotovera*. ()

02. **Special Inspection Requests.** Requests for inspection of plants and plant products for plant diseases or pests not specifically listed in Subchapter A 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. ()

131. -- 139. (RESERVED)

140. 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 7249, Boise, ID 83707 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. ()

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 120.01 through 120.14. 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 140.01 above. ()

03. Deadlines. Applications for individual and/or area field inspections are to 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. ()

04. Special Field Inspection Requests. Requests for field inspections of plants and plant products for diseases or pests not listed in Subsections 130.01.a. through 130.01.h. above shall be written in on the application as provided in Subsection 140.01 above and be subject to the conditions as outlined in Subsection 130.02. ()

141. -- 149. (RESERVED)

150. 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. ()

151. -- 159. (RESERVED)

160. 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. ()

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. ()

03. Notification of the Detection of Disease(s) or Pest(s). The Department will notify the applicant in writing upon the confirmation of the presence of a disease or pest. Notification will be limited to those disease(s) or pest(s) outlined in Subsections 130.01.a. through 130.01.h. above or as specifically requested on the applicant's application for inspection for phytosanitary certification pursuant to Subsection 140.04. ()

161. -- 169. (RESERVED)

170. 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 will be accepted. Applications can be submitted to either the State of Idaho, Department of Agriculture, Plant Industries Division, P.O. Box 7249, Boise, ID 83707, or State of Idaho, Department of Agriculture, P.O. Box 401, Twin Falls, Idaho 83301. ()

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. ()

03. "Rush" Service. As defined in Subsection 110.05 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 195.02.d. ()

171. -- 179. (RESERVED)

180. 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. ()

181. – 189. (RESERVED)

190. POST-ENTRY QUARANTINE CERTIFICATION.

Applications shall be made on forms provided by the Department and accompanied by the fee as stated in Subsection 195.05. 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 is two (2) years, with a minimum of one (1) inspection being performed during each of the two (2) years. ()

191. -- 194. (RESERVED)

195. FEES AND CHARGES.

01. Phytosanitary Certificates. ()

a. Federal Phytosanitary Inspection Certificates or like documents: sixty dollars (\$60) per certificate. ()

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

02. Phytosanitary Certification and Like Inspections and Official Treatment Observations.()

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

b. Submitted Samples: twenty dollars (\$20) per item submitted. ()

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. ()

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 195. ()

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. ()

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

04. Field or Lot Inspections. ()

a. Application for Field Inspection: five dollars (\$5) per application. ()

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. ()

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. ()

06. Plant Pathological Laboratory Services. Fees available upon request. ()

07. Special Project Fee. ()

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: ()

i. Research; ()

ii. Lot history verification; ()

iii. Data entry; ()

iv. Sales and purchases; ()

v. Transfer of lots into ISDA database; ()

vi. ISDA training of private company personnel; ()

vii. Special plant pest detection surveys; or ()

viii. Any other circumstance approved by the Director. ()

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

195. -- 209. (RESERVED)

SUBCHAPTER B - VIRUS-FREE NURSERY STOCK CERTIFICATION

210. DEFINITIONS.

In addition to the definitions found in Section 22-2302, Idaho Code, the definitions in Section 210 apply in the interpretation and enforcement of Subchapter B only: ()

01. Certification. Verification that proper field sampling procedures were followed and that the indexing results as outlined in this rule are those determined by an approved laboratory designated to test for virus diseases under Subchapter B. ()

02. Idaho Certified Nursery Seed. Seed produced from registered seed trees or commercial seed having been tested and found to have a transmissible virus content that does not exceed five percent (5%). ()

03. Idaho Certified Nursery Stock. Nursery-grown, true seedlings, clonal rootstocks originating from certified virus-free trees, and nursery-grown trees or seedlings propagated by using top-stock from certified virus-free trees and rootstock originating from certified virus-free trees except as herein provided for certain rootstocks. ()

04. Index. To determine virus infection by means of inoculation from the plant to be tested to an indicator plant or by any other acceptable method as designated by the Director. ()

05. Indicator Plant. Any herbaceous or woody plant used to index or determine virus infection.

- ()
06. **Interstock.** Scionwood used for compatibility purposes to graft between a particular top-stock and rootstock. ()
07. **Nursery Stock.** For purposes of this rule includes the plants and plant parts of the genera *Prunus*, *Malus*, *Pyrus*, *Chaenomeles* and *Cydonia*. ()
08. **Off-Type.** Not true-to-name (phenotype) as registered under Subchapter B. ()
09. **Registered Tree.** A tree or clonal planting that has been inspected and tested in accordance with the provisions of this program and assigned a registration number by the Department. ()
10. **Rootstock.** That part of a plant including the roots on which another variety of plant material may be grafted. ()
11. **Scion-Block.** A planting of certified virus-free trees that serves as a source of scionwood for the propagation of “Idaho certified nursery stock.” ()
12. **Scion (Scionwood).** A detached shoot or other portion of a plant consisting of one or more buds used in propagation by grafting. ()
13. **Seed Block.** A planting of certified virus-free trees that serves as a source of seed for producing rootstock used in the propagation of “Idaho certified nursery stock.” ()
14. **Stool Bed.** A clonal planting of self-rooted, certified virus-free trees for the specific purpose of producing vegetatively propagated rootstock used in the propagation of “Idaho certified nursery stock.” ()
15. **Top-Stock.** Usually scionwood used for grafting onto interstock or rootstock, may include seed. ()
16. **True Seedling.** A tree that has been grown from seed. ()
17. **Virus-Infected.** The presence of a harmful virus(es) in a plant or plant part. ()
18. **Virus-Like.** A disorder of genetic or non-transmissible origin and also includes mycoplasma-like organisms and rickettsia-like organisms. ()

211. – 219. (RESERVED)

220. REQUIREMENTS.

01. **Participation.** Participation is open only to those nurseries registered under Title 22, Chapter 23, Idaho Code, and is voluntary. ()
02. **Application.** Application forms for the establishment of new blocks will be provided by the Idaho Department of Agriculture. The applicant nurseryman shall furnish to the Department all information pertinent to the operation of this program, including a diagram of each block and give consent to the Department to take plant parts (buds, leaves, roots, etc.) from any tree for testing purposes. ()
03. **Registration.** Trees may be registered as rootstock, top-stock, or seedstock sources for the propagation of certified nursery stock when inspected, tested, and found to be true-to-name and discernibly free from known harmful virus and virus-like diseases by procedures outlined in this program. ()
04. **Responsibility.** The applicant nurseryman is responsible, subject to the approval of the Director, for the selection of the location and the proper maintenance of registered plantings grown under the provisions of Subchapter B. The applicant nurseryman is responsible for maintaining the identity of all nursery stock entered into

this program in a manner approved by the Department. Any planting entered into this program shall be kept in a healthy growing condition and free of plant pests. ()

05. Filing Date. Application for inspection and testing of new or existing blocks of registered scion, seed, and stool-bed trees and for inspection of nursery stock for certification shall be filed by June 1 of each year with the Idaho Department of Agriculture. ()

06. Nematode Sampling. The ground being submitted for planting with virus-free stock as outlined in Subchapter B shall be officially sampled, using established procedures acceptable to the Director, tested, and found free of virus transmitting nematodes prior to planting of any stock. Subsequent sampling for the presence of nematodes after planting may be carried out at the discretion of the Director, to ensure that a nematode-free status is maintained. ()

07. Grafting. There shall be no budding, grafting, or top-working of registered trees in any scion-block, seed-block, or stool-block. ()

08. Inspection. Maintenance of virus-free integrity of all plants entered into this program will be by inspection and spot-testing at a minimum of every three (3) years or as stated elsewhere in this rule. ()

09. Diseased Plants. Immediately following notice from the Director or his agent, any plant found to be infected by a virus or virus-like disease or if off-type, the plant(s) shall be removed and destroyed. Any ground found to be infested with virus transmitting nematodes must be fumigated with a fumigant registered and approved by the Idaho Department of Agriculture prior to planting, at the grower's expense. ()

221. -- 229. (RESERVED)

230. SCION-BLOCKS.

01. Location. A scion-block shall be located not less than one hundred (100) feet away from any non-registered cultivated plant of the Rosaceae family. The ground in a scion-block and for a distance of twenty (20) feet surrounding it shall be kept either clean-cultivated or in an approved, properly controlled ground cover. Registered scion-block trees shall be planted and maintained in a manner and at sufficient distance so that branches of different varieties do not overlap. Care shall be taken in the use of pollenizing insects and pollen application to prevent the transmission and spread of virus diseases through the use of infected pollen or its application. Registered scion-block trees may not be used for propagation purposes until trueness-to-name or variety has been established. Each tree will bear a permanent registration number. The ground in the scion-block will be sampled, using established procedures acceptable to the Director, and be tested and found free of virus transmitting nematodes prior to planting of any stock. ()

02. Acceptability. The rootstock and top-stock sources of the scion-block trees shall have originated from foundation trees established under this program or from virus-tested trees originating through the USDA-ARS Inter-Regional Project No. 2 (IR-2) or other approved programs. If the tree is scion-rooted, its source shall have met the requirements stated in Subchapter B. Only registered trees are permitted in the scion-block. ()

231. -- 234. (RESERVED)

235. SEED-BLOCKS.

01. Location. A Prunus seed-block shall be located not less than three hundred (300) feet from any non-registered flowering plant of the Prunus species. The ground in a seed-block and for a distance of twenty (20) feet surrounding it shall be kept clean-cultivated or in an approved, controlled ground cover. Care shall be taken in the use of pollenizing insects and pollen application to prevent the transmission and spread of virus diseases through the use of infected pollen or its application. Each tree will bear a permanent registration number. ()

02. Acceptability. The rootstock and top-stock sources of the seed-tree shall have originated from foundation trees established under this program or from virus-tested trees originating through the USDA-ARS Inter-Regional Project No. 2 (IR-2) or other approved program. If the tree is scion-rooted, its source shall have met the

requirements stated in Subchapter B. Only registered trees are permitted in the seed-block. ()

236. -- 239. (RESERVED)

240. STOOL-BEDS.

01. Location. A stool-bed shall be located not less than fifty (50) feet from any non-registered cultivated plant of the Rosaceae family. The following exception will apply: Non-registered stool-beds may be located not less than ten (10) feet from registered stool-bed plantings. The ground in a stool-bed and for a distance of ten (10) feet surrounding it shall be kept clean-cultivated. ()

02. Acceptability. Existing stool-beds that index clean on the commonly used virus indicators will qualify as Registered Stool-Beds. New stool-beds (those planted after the effective date of Subchapter B) shall have originated from foundation stock established under this program or from virus-tested plants originating through the USDA-ARS Inter-Regional No. 2 (IR-2) or other approved program. If the tree is scion-rooted, its source shall have met the requirements stated in Subchapter B. Only registered trees are permitted in the stool-beds. ()

241. -- 244. (RESERVED)

245. NURSERY STOCK.

01. Rootstocks. All nursery stock being grown for certification, shall be on rootstock from registered trees except for stone fruit trees grown on peach seedlings and pome fruit trees grown on apple and pear seedlings. These seedling rootstocks, when grown from commercial seed, will be acceptable if seed transmissible virus content does not exceed five percent (5%). Clonal rootstock used in the production of Idaho Certified Nursery Stock must originate from Registered Stool-Beds. ()

02. Location. The isolation distances between certified and non-certified nursery stock shall be: ()

a. Not less than fifty (50) feet from non-certified plants of the Rosaceae family; ()

b. Not less than twenty (20) feet from other non-certified nursery stock; ()

c. Program participants shall maintain a twenty (20) foot clean-cultivated area around all certified nursery stock beds. Nursery stock shall be designated as to rootstock, top-stock, and inter-stock sources. There shall be no re-budding or re-grafting of nursery raw stock unless such stock is re-worked with scions from the original registered scion-tree. ()

03. Identity Maintenance. The maintenance of certified stock identity shall be a tagging program identifying trees produced from: ()

a. Registered rootstock produced from registered seed or stool-beds; ()

b. Registered scion source trees. The tracking system involves a numbering diagram system of each participant's nursery stock beds in the program. ()

04. Seed. Certified seed shall have been produced on Registered Seed Trees or commercial seed having been tested and found to have a transmissible virus content that does not exceed five percent (5%). ()

05. Tagging. An Idaho Certified Nursery Stock Tag designates trees produced from registered scion-source trees and that have been propagated on rootstocks produced from registered seed-source or stool-bed trees, or that are self-rooted. All nursery stock meeting the requirements of this program when sold shall have the variety, inter-stock, and rootstock designated where applicable as follows: variety/inter-stock/rootstock. ()

06. Acceptability. All nursery stock meeting the requirements of this program are known as Idaho Certified Nursery Stock. ()

246. -- 249. (RESERVED)

250. BLOCK EXPANSION.

Expansion within a scion or stool-bed will be allowed with no restriction regarding the number of generations, provided accepted tissue culture methods are employed. Only two (2) propagative steps will be allowed between “mother plants” and foundation trees for scion, seed, and stool-bed blocks. ()

251. -- 259. (RESERVED)

260. INSPECTION PROCEDURES.

01. Time of Inspection. Inspections will be made at the discretion of the Department and at times when specific disease symptoms are most likely to be expressed. ()

02. Inspection of Nursery Stock for Certification. At least one (1) visual inspection will be made of nursery rootstock in a planting being grown for certification during the first growing season. At the request of the Department, any undesirable rootstock will be rogued before propagation. At least two (2) visual inspections will be made of nursery stock during the growing season following bud or graft placement. ()

03. Refusal of Certification. The Department will refuse certification if plants have been propagated from registered trees determined to be affected by a virus or virus-like disease or if other requirements of this program have not been met. ()

261. -- 264. (RESERVED)

265. TESTING PROCEDURES.

Testing standards prescribed in this program will conform to USDA-ARS Inter-Regional Project No. 2 (IR-2) standards or to any other acceptable and approved procedures developed and used for determining the presence of virus diseases in nursery stock. All testing results shall be made available directly to the Department by the approved agency or laboratory. ()

266. -- 269. (RESERVED)

270. TAGGING, IDENTITY, AND RECORDS.

01. Official Certification Tags. The Department will authorize the use of official certification tags for identification of nursery stock or seed that meet the requirements of this program. These tags will be supplied at cost to all program cooperators by the Department. ()

02. Identity. Any person selling Idaho Certified Nursery Stock is responsible for the identity of the stock bearing each tag and for such nursery stock meeting the requirements of this program. ()

03. Records. Any person selling Idaho Certified Nursery Stock shall keep record on a form prescribed by the Director that includes but is not limited to the source of the stock, quantity, and disposition. ()

271. -- 279. (RESERVED)

280. FEES.

01. Application Fees. A fee of fifty dollars (\$50) per application submitted plus ten cents (\$.10) per tree being certified shall be submitted with each application. ()

02. Laboratory Fees. Laboratory fees are established by a Department approved testing facility and will be paid directly to the facility. ()

03. Service Fees. Fees for plant or soil sampling and inspection services provided by the Idaho

Department of Agriculture are in accordance with the following schedule. ()

- a. A fee of twenty-five dollars (\$25) per hour for inspection and travel time with a minimum charge of fifty dollars (\$50). ()
- b. Per diem costs will be charged according to established state rates. ()
- c. The fees charged for tags will be at cost plus an administrative fee of ten percent (10%) for each order. ()

281. -- 309. (RESERVED)

SUBCHAPTER C - GINSENG EXPORT

310. DEFINITIONS.

In addition to the definitions found in Section 22-2005, Idaho Code, the definitions in Subchapter C apply in the interpretation and enforcement of Subchapter C, only. ()

01. Cultivated Ginseng. Any part of a ginseng plant that is growing or grown in managed beds under artificial or natural shade and cultivated according to recognized ginseng horticultural practices. Cultivated ginseng includes woodsgrown ginseng. ()

02. Dealer. Anyone who buys ginseng for resale, or grows and sells it for export. This definition does not apply to persons who buy ginseng solely for the purpose of final retail sale to consumers in the United States. ()

03. Dealer Registration. An annual registration issued by the department authorizing a dealer to buy, collect, or otherwise acquire ginseng for resale or export. ()

04. Dry Weight. The weight in pounds and ounces of harvested or collected ginseng root that is dried and is no longer viable. ()

05. Export. Outside the boundaries of the United States. ()

06. Ginseng. Any and all parts of the plant known as American ginseng (*Panax quinquefolius*) including, but not limited to: plants; whole roots; essentially intact roots; root chunks; slices; seeds; and tissue. ()

07. Green Ginseng. A ginseng root from which the moisture has not been removed by drying. ()

08. Green Weight. The weight in pounds and ounces of freshly harvested or collected ginseng root that is not dried and is still viable. ()

09. Grower. A person who grows “cultivated,” “wild simulated,” and or “woodsgrown” ginseng, and sells it to a dealer. ()

10. Grower Registration. An annual registration issued by the department that enables a grower to sell cultivated ginseng that the grower has produced. ()

11. Out-of-State Ginseng. Ginseng that is grown or originated outside the state of Idaho. ()

12. Wild Ginseng. Ginseng growing naturally within its native range. ()

13. Wild Simulated Ginseng. Wild ginseng seeds or roots planted in natural habitat, within the natural range, in suitable ginseng habitat that is not further cultivated. ()

14. Woodsgrown Ginseng. Ginseng grown in managed beds under natural shade. ()

311. -- 319. (RESERVED)

320. REGULATED PRODUCTS.

American ginseng (*Panax quinquefolius*). ()

321. -- 329. (RESERVED)

330. COLLECTION OF WILD GINSENG.

No grower's or dealer's registration will be issued for the collection, sale or distribution of wild ginseng. ()

331. DEALERS AND GROWERS ANNUAL REGISTRATION WITH THE DEPARTMENT.

No person may act as a dealer or grower without first registering with the department. Any person who acts as a dealer and a grower shall register as both. The department will assign a registration number to each person registered. Registration with the applicable fee will be made annually no later than January 15 of each year on a form provided by the department and the registration will expire on December 31. ()

332. --339. (RESERVED)

340. GROWER RECORDS.

A grower selling cultivated ginseng shall do all of the following when selling to a dealer: ()

01. Record of Sale. Provide to the dealer a record of sale containing all of the following information: grower's name and address; grower's registration number; ginseng certificate number; ginseng dry weight; year harvested; county of harvest; and date of transaction. ()

02. Certificate of Origin. Certify that the ginseng was grown in the state of Idaho. The certificate of origin form is prescribed by the department. ()

03. Records. Maintain records of all ginseng production and sales. Records must be maintained for a period of three (3) years. ()

341. -- 349. (RESERVED)

350. DEALER RECORDS.

Dealers shall keep true and accurate records of transactions, including both sales and purchase records, in a format prescribed by the department. Records must be maintained for a period of three (3) years. ()

01. Purchase Records. Purchase records include dealer's name, address and registration number; grower/seller name and registration number; ginseng weight in pounds and ounces; designation of green or dry ginseng; designation of wild or cultivated ginseng; harvest year of ginseng; county in which the ginseng was harvested; and date of transaction. ()

02. Sales Records. Sales records shall include the following information: dealer's name, address and registration number; buyer's name, address and registration number; ginseng weight in pounds and ounces; designation of green or dry ginseng; designation of wild or cultivated ginseng; harvest year; county in which the ginseng was harvested; and date of transaction. ()

351. -- 359. (RESERVED)

360. OUT-OF-STATE GINSENG.

01. Certificate of Origin. No dealer may purchase, receive or import out-of-state ginseng unless it is accompanied by a valid certificate of origin issued by the state or country of origin. The certificate must include the state or country of origin, the source (wild or cultivated), year of harvest, and dry weight of the out-of-state ginseng. ()

02. Recordkeeping. The dealer shall retain for a period of three (3) years a copy of each written certificate of origin received. ()

03. 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. ()

361. SELLING OR SHIPPING OF GINSENG -- CERTIFICATES.

01. Export. Except as described in Subsection 361.06, no person may sell or ship ginseng out-of-state or export Idaho grown ginseng unless it is accompanied by a valid, prenumbered certificate of origin on a form issued by the department. The department will, upon request and receipt of the required fee(s), provide each registered grower or dealer with forms for certificates of origin. The department will identify each certificate of origin form with a serial number, and the registration number of the grower or dealer. Registered growers or dealers may certify their own cultivated ginseng by filling out and signing a certificate of origin form. The certificate of origin contains the following information: ()

- a. State of origin; ()
- b. Serial number of certificate; ()
- c. Dealer's and/or grower's state registration number; ()
- d. Year of harvest of ginseng being certified; ()
- e. Designation as cultivated roots or plants; ()
- f. Designation as dried or fresh (green) roots, or live plants; ()
- g. Weight of roots or plants (or number of plants) separately expressed both numerically and in writing; ()
- h. Date of certification; and ()
- i. Signature of grower or dealer making certification. ()

02. Idaho Certificate of Origin. All of the following conditions must be met in order for an Idaho certificate of origin to be valid: ()

- a. The grower or dealer whose registration number was entered on it by the department shall sign the certificate; and ()
- b. The ginseng is cultivated ginseng grown in Idaho. ()

03. Forms. Forms for certificates of origin are issued by the department in triplicate. The original is designated for the dealer's use in commerce; the first copy is for the dealer's records; and the grower or dealer shall send the second copy, within two (2) weeks of issuance, to the Division of Plant Industries, Idaho State Department of Agriculture, P.O. Box 7249, Boise, ID 83707. ()

04. Out-of-State Issued Certificates. No person may export ginseng grown in Idaho using an out-of-state issued certificate. ()

05. Wild Ginseng Certificates. Certificates of origin will not be issued for wild ginseng. ()

06. Final Retail Sales. Subsection 361.01 does not apply to a person who sells or ships cultivated ginseng out-of-state to a person who is buying or receiving it solely for the purpose of final retail sale to consumers in the United States, if the person selling or shipping keeps a record for a period of three (3) years that includes: name

and address of the buyer or receiver; weight of the ginseng in pounds and ounces; date of the sale or shipment; county of harvest of the ginseng; and year of harvest of the ginseng. ()

362. -- 369. (RESERVED)

370. MAINTAINING SEPARATE LOTS OF GINSENG.

Dealers shall maintain separation between lots of out-of-state ginseng and that harvested in Idaho until a certificate of origin has been issued for the ginseng harvested in Idaho. ()

371. DEALER OR GROWER HOLDING GINSENG AFTER DECEMBER 31 OF THE YEAR.

Any grower or dealer holding ginseng on or after December 31 shall report all carryover stocks on a form provided by the department. The form shall list the name and address of the grower or dealer; location of the lot; lot identification; county of harvest; dry or green weight in pounds and ounces; and year of harvest. ()

372. -- 379. (RESERVED)

380. INSPECTION AND DISCLOSURE OF RECORDS.

01. Inspection. All records required to be kept under Subchapter C shall be made available to the department upon request for inspection and copying. ()

02. Disclosure. The department will not disclose information obtained regarding purchases, sales, or production of an individual ginseng dealer, except for providing reports to the United States Fish and Wildlife Service. ()

381. -- 389. (RESERVED)

390. EXPORT PROCEDURES.

Valid federal Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) documents are necessary to export ginseng. ()

391. FEES - HOURLY, OVERTIME.

Fees will be charged to cover the department's cost of implementing Subchapter C. ()

01. Certification and Overtime Rate. Ginseng certification services will be provided at an hourly and overtime rate as provided in Section 392 of Subchapter C. The overtime rate will apply for service provided subsequent to a regularly scheduled eight (8) hour week day shift or on Saturdays, Sundays, and state legal holidays. No service will be performed on Thanksgiving Day, Christmas Day or New Year's Day, beginning at 5 p.m., on the previous day. ()

02. Minimum Charges. Charges will be for a minimum of one (1) hour. Additional time will be charged in one-half (1/2) hour increments. ()

392. SCHEDULE OF FEES AND CHARGES.

The following schedule for ginseng certification services apply: ()

01. Registration. Registration (grower or dealer or grower and dealer), twenty-five dollars (\$25). ()

02. Certificate of Origin Form. Certificate of origin form, each, ten dollars (\$10). ()

03. Hourly Rate. Hourly rate for certification services, twenty-eight dollars (\$28). ()

04. Overtime Rate. Overtime rate for certification services, thirty-three dollars (\$33). ()

393. -- 999. (RESERVED)