

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 02.00.00 - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking (Docket
No. 02-0000-1900A).

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 07/19/2019. 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 08/16/2019.

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: July 1, 2019

SUBJECT: Department of Agriculture

IDAPA 02.00.00 - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking (Docket No. 02-0000-1900A)

The Idaho State Department of Agriculture submits notice of temporary and proposed rules at IDAPA:

02.01.03, Idaho Department of Agriculture Airborne Control of Unprotected and Predatory Animals Rules;
02.02.02, Idaho Department of Agriculture Controlled Atmosphere Storage Rules;
02.02.09, Rules Requiring Inspection of Potatoes Intended for Sale or Offered for Sale in Retail Outlets;
02.04.04, Rules for Artificial Dairy Products;
02.04.08, Rules Governing Grade A Milk and Milk Products;
02.04.13, Rules Governing Raw Milk;
02.04.18 Rules Governing CAFO Site Advisory Team;
02.04.20 Rules Governing Brucellosis;
02.04.21 Rules Governing the Importation of Animals;
02.04.25, Rules Governing Private Feeding of Big Game Animals;
02.04.27, Rules Governing Deleterious Exotic Animals;
02.04.28, Rules Governing Livestock Dealers, Buying Stations, and Livestock Trader Lots;
02.04.29, Rules Governing Trichomoniasis;
02.06.07, Rules Governing White Rot Disease of Onion;
02.06.08, Quarantine Rules Pertaining to Apples and Cherries;
02.06.09, Rules Governing Invasive Species;
02.06.10, Rules Governing the Potato Cyst Nematode;
02.06.11, Rules Governing European Corn Borer;
02.06.13, Rules Relating to Rapeseed Production and Establishment of Rapeseed Districts in the State of Idaho;
02.06.15, Rules Governing Peach Tree Diseases;
02.06.17, Rules Governing the Disposal of Cull Onion and Potatoes;
02.06.20, Rules Governing Grape Planting Stock;
02.06.22, Noxious Weeds Rules;
02.06.24, Rules Governing the Japanese Beetle;
02.06.26, Rules Concerning Seed Potato Crop Management Areas;
02.06.32, Rules Concerning the Anthracnose Disease of Lentil;

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

02.06.38, Rules Governing Plum Curculio;

02.06.39, Rules Governing Minimum Standards for Planting Uncertified Seed Potatoes in Idaho.

According to the department, the rulemaking adopts and re-publishes existing and previously approved chapters. Some minor, nonsubstantive revisions have been made throughout the docket. For example, redundancies have been removed, address information has been streamlined, authority and scope are clarified, and basic introductory provisions such as department addresses, etc., have been added to some chapters. The department has provided within its Notice of Rulemaking a chart setting forth its Section 22-101A, Idaho Code, statement setting forth those specific sections within the various chapters that are broader in scope or more stringent than federal law or regulations, or regulate an activity not regulated by the federal government. These rules were previously analyzed and reviewed by the Legislative Services Office upon their initial promulgation. The rulemaking appears to be authorized by sections 22-102A, 22-108, 22-505, 22-702, 22-802, 22-803, 22-901, 22-911, 22-1907, 22-2004, 22-2006, 22-2013, 22-2403, 25-203, 25-207A, 25-305, 25-401, 25-601, 25-3704, 25-3902, 25-3903, 37-303, 37-405, 37-515, 37-516, and 37-1101, 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

DOCKET NO. 02-0000-1900A

NOTICE OF OMNIBUS RULEMAKING – TEMPORARY AND PROPOSED RULEMAKING

EFFECTIVE DATE: The effective date of the temporary rules listed in the descriptive summary of this notice is June 30, 2019.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 22-102A, 22-108(2), 22-505, 22-702, 22-802, 22-803, 22-901, 22-911, 22-1907, 22-2004, 22-2006, 22-2013, 22-2403, 25-203, 25-207A(1), 25-305, 25-401, 25-601, 25-3704, 25-3902, 25-3903, 37-303, 37-405, 37-515, 37-516, 37-1101(5), Idaho Code.

PUBLIC HEARING SCHEDULE: Oral comment concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This temporary and proposed rulemaking adopts and re-publishes the following existing and previously approved and codified chapters under IDAPA 02, rules of the Department of Agriculture:

IDAPA 02

- 02.01.03, *Idaho Department of Agriculture Airborne Control of Unprotected and Predatory Animals Rules*, **except rule Section 500**, which is eliminated; adds required Sections 004-006
- 02.02.02, *Idaho Department of Agriculture Controlled Atmosphere Storage Rules*; adds required Sections 004-006
- 02.02.09, *Rules Requiring Inspection of Potatoes Intended for Sale or Offered for Sale in Retail Outlets*, eliminates Sections 104 and 108
- 02.04.04, *Rules for Artificial Dairy Products*, adds required Sections 000-006; modifies Section 100
- 02.04.08, *Rules Governing Grade A Milk and Milk Products*
- 02.04.13, *Rules Governing Raw Milk*, with modifications to Section 010; eliminates Section 060
- 02.04.18, *Rules Governing CAFO Site Advisory Team*, modifies Sections 000, 001, 005, and 010
- 02.04.20, *Rules Governing Brucellosis*, modifies Sections 000, 001, and 010
- 02.04.21, *Rules Governing the Importation of Animals*, modifies Sections 000 and 010
- 02.04.25, *Rules Governing Private Feeding of Big Game Animals*, modifies Section 010; eliminates Sections 990 and 995
- 02.04.27, *Rules Governing Deleterious Exotic Animals*
- 02.04.28, *Rules Governing Livestock Dealers, Buying Stations, and Livestock Trader Lots*, modifies Sections 000, 001, 005, and 010; eliminates Sections 990 and 999
- 02.04.29, *Rules Governing Trichomoniasis*
- 02.06.07, *Rules Governing White Rot Disease of Onion*, eliminates Sections 007 and 300; modifies Section 001
- 02.06.08, *Quarantine Rules Pertaining to Apples and Cherries*, eliminates Sections 012, 510, and 650
- 02.06.09, *Rules Governing Invasive Species*, eliminates Section 011
- 02.06.10, *Rules Governing the Potato Cyst Nematode*, eliminates Section 025
- 02.06.11, *Rules Governing European Corn Borer*, eliminates Sections 007 and 200; modifies Section 150
- 02.06.13, *Rules Relating to Rapeseed Production and Establishment of Rapeseed Districts in the State of Idaho*, modifies Sections 010 and 200; adds required Sections 004-006
- 02.06.15, *Rules Governing Peach Tree Diseases*, modifies Section 300; eliminates Sections 007, 400, 450
- 02.06.17, *Rules Governing the Disposal of Cull Onion and Potatoes*, eliminates Sections 008 and 150
- 02.06.20, *Rules Governing Grape Planting Stock*, eliminates Section 300
- 02.06.22, *Noxious Weeds Rules*, eliminates Section 600

- 02.06.24, *Rules Governing the Japanese Beetle*, eliminates Section 007
- 02.06.26, *Rules Concerning Seed Potato Crop Management Areas*, eliminates Sections 007 and 450
- 02.06.32, *Rules Concerning the Anthracnose Disease of Lentil*,
eliminates Sections 007 and 350
- 02.06.38, *Rules Governing Plum Curculio*, modifies Section 010;
eliminates Sections 007 and 250
- 02.06.39, *Rules Governing Minimum Standards for Planting Uncertified Seed Potatoes in Idaho*,
eliminates Section 070; adds required Sections 004-006

IDAHO CODE SECTION 22-101A STATEMENT: These rules are broader in scope or more stringent than federal law or regulations, or regulate an activity not regulated by the federal government. See table below for delineated sections.

IDAPA	Rule Title	22-101A
02.01.03	Control of Unprotected or Predatory Animals Rules	02.01.03.100-999
02.02.02	Controlled Atmosphere Storage Rules	02.02.02.000-999
02.02.09	Rules Requiring Inspection of Potatoes Intended for Sale or Offered for Sale in Retail Outlets	02.02.09.000-999
02.04.04	Rules for Artificial Dairy Products	02.04.04.010-999
02.04.08	Rules Governing Grade A Milk and Milk Products	02.04.08.008
02.04.13	Rules Governing Raw Milk	02.04.13.007-999
02.04.18	Rules Governing CAFO Site Advisory Team	02.04.18.010-999
02.04.20	Rules Governing Brucellosis	02.04.20.027, 02.04.20.028.03-04, 02.04.20.029, 02.04.100-102, 02.04.20.105, 02.04.20.120-123, 02.04.20.200-204, 02.04.20.250-256, 02.04.20.321, 02.04.20.421
02.04.21	Rules Governing the Importation of Animals	02.04.21.100.03, 02.04.21.104-105, 02.04.21.108-109, 02.04.21.111, 02.04.21.200-202, 02.04.21.210, 02.04.21.220, 02.04.21.260, 02.04.21.300- 302, 02.04.21.500, 02.04.21.600-606, 02.04.21.650, 02.04.21.660-670, 02.04.21.705-707, 02.04.21.710, 02.04.21.720
02.04.25	Rules Governing Private Feeding of Big Game Animals	02.04.25.010-999
02.04.27	Rules Governing Deleterious Exotic Animals	02.04.27.010-999
02.04.28	Rules Governing Livestock Dealers, Buying Stations, and Livestock Trader Lots	02.04.28
02.04.29	Rules Governing Trichomoniasis	02.04.29.010-999

IDAPA	Rule Title	22-101A
02.06.07	Rules Governing White Rot Disease of Onion	02.06.07.012-999
02.06.08	Quarantine Rules Pertaining to Apples and Cherries	02.06.08.012-999
02.06.09	Rules Governing Invasive Species	02.06.09.101-999
02.06.10	Rules Governing the Pale Cyst Nematode	02.06.10.014
02.06.11	Rules Governing European Corn Borer	02.06.11.012-999
02.06.13	Rules Relating to Rapeseed Production and Establishment of Rapeseed Districts	02.06.13.050-999
02.06.15	Rules Governing Peach Tree Diseases	02.06.15.012-999
02.06.17	Rules Governing the Disposal of Cull Onion and Potatoes	02.06.17.050-999
02.06.20	Rules Governing Grape Planting Stock	02.06.20.050-999
02.06.22	Noxious Weed Rules	02.06.22.100-999
02.06.24	Rules Governing the Japanese Beetle	02.06.24.012-999
02.06.26	Rules Concerning Seed Potato Crop Management Areas	02.06.26.020-999
02.06.32	Rules Concerning the Anthracnose Disease of Lentil	02.06.32.050-999
02.06.38	Rules Governing Plum Curculio	02.06.38.050-999
02.06.39	Rules Governing Minimum Standards for Planting Uncertified Seed Potatoes	02.06.39.050-999

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1) and 67-5226(2), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These previously approved and codified rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules.

Rules promulgated and implemented by the Idaho State Department of Agriculture (ISDA) protect commodity and livestock markets by ensuring consistent application of rules limiting the spread of pests, diseases and pathogens. ISDA rules are also designed to protect producers and consumers of agricultural products from unfair practices in the marketing, sale and promotion of agricultural commodities and products. Lastly, ISDA rules are designed to minimize environmental impacts of land use practices commonly part of agricultural production.

FEE SUMMARY: This rulemaking does not impose a fee or charge.

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:

This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2020 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because of the need to adopt the rules as temporary, and because these existing chapters of IDAPA are being re-published and re-authorized. Negotiated rulemaking also is not feasible because of the need to implement these rules before they expire; the rules form the regulatory framework of the laws of this state and have been previously promulgated and reviewed by the Legislature pursuant to the Idaho Administrative Procedures Act, Chapter 52, Title 67, Idaho Code; and because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the temporary and proposed rules attached hereto.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rules, contact Brian Oakey at (208)332-8550.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

DATED this May 20, 2019.

Brian Oakey
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, Idaho 83707
Phone: (208) 332-8550
Fax: (208) 334-2710

**IDAPA 02
TITLE 01
CHAPTER 03**

02.01.03 – AIRBORNE CONTROL OF UNPROTECTED OR PREDATORY ANIMALS RULES

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 22-102A, Idaho Code. (5-24-95)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is the “Airborne Control of Unprotected or Predatory Animals Rules,” IDAPA 02.01.03. (5-24-95)

02. Scope. This chapter has the following scope: these rules govern the issuance of permits for the airborne control of unprotected or predatory animals and establish the duties of permittees. (5-24-95)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (5-24-95)

003. ADMINISTRATIVE APPEALS.

There is no provision for administrative appeals before the Department of Agriculture under this chapter. Hearing and appeal rights are set forth in Title 67, Chapter 52, Idaho Code. (5-24-95)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (6-30-19)T

005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS.

The Idaho State Department of Agriculture central office is located at 2270 Old Penitentiary Road, Boise, ID 83712-8298. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The mailing address is PO Box 7249, Boise, Idaho 83707. The phone number is (208) 332-8500 and the fax number is (208) 334-2170. The Department web address is <https://agri.idaho.gov/>. (6-30-19)T

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. (6-30-19)T

007. – 009. (RESERVED)

010. DEFINITIONS.

01. Airborne Control. While airborne in any aircraft, to shoot or attempt to shoot, drive off, or kill unprotected or predatory animals. (5-24-95)

02. Aircraft. Any contrivance used for flight in the air. (5-24-95)

03. Predatory Animal. For the purpose of administering Section 22-102A, Idaho Code, and these rules, the following animals are designated as predatory animals: (1) coyotes; and (2) red fox. Red fox may be controlled in the areas where the Idaho Department of Fish and Game has established a year-round hunting season for red fox, and, in consultation with the Idaho Department of Fish and Game, in specific areas, outside the areas where a year-round hunting season has been established, where red fox are causing predation problems. (6-30-19)T

04. Unprotected Animal. An animal which is not designated as protected, threatened, or endangered under federal or state law. (5-24-95)

011. -- 099. (RESERVED)

100. APPLICATION TO OBTAIN A PERMIT.

01. Airborne Control Permit Required. Any person who engages in the airborne control of unprotected or predatory animals must obtain a permit from the Department. (5-24-95)

02. Required Application Form. An application for an airborne control permit shall be on a form provided by the Department. (5-24-95)

03. Required Information on Application. The applicant shall provide all information requested on the application form, including: (5-24-95)

a. Name and address of the applicant; (5-24-95)

b. The purpose for the permit, specifically identifying whether the resource to be protected is land, water, wildlife, livestock, domestic animals, crops, or human life; (5-24-95)

c. A statement regarding the threat, danger, or menace to the resource requiring protection; (5-24-95)

d. Common name of animal to be controlled; (5-24-95)

e. The geographic location of the property where the applicant intends to conduct airborne control; (5-24-95)

f. Description of the aircraft to be used, including make, model, aircraft number, owner, pilot, and location where the aircraft is based; and (5-24-95)

g. The period of time for which the permit is requested. (5-24-95)

04. Written Consent from Private Landowner Required. The applicant must submit a written document from each owner of private land on whose property the applicant plans to conduct airborne control operations indicating that the applicant has the permission of the owner to engage in such activities on that property. The applicant must also provide the name, address, and telephone number of the owner of the property from whom such permission was obtained. (5-24-95)

05. Incomplete Application. Failure to provide any of the required information for the application is cause for denial of a permit. (5-24-95)

101. -- 149. (RESERVED)

150. ISSUANCE OF AIRBORNE CONTROL PERMITS.

In determining whether the permit application should be granted or denied, the Director may give reasonable consideration to the following factors: (5-24-95)

01. Threat to Resource. The threat, danger, or menace to the resource requiring protection. (5-24-95)

02. Type of Control. Whether the animals are to be driven off or killed. (5-24-95)

03. Number of Permits Issued. The number of permits issued for the same type of animal in the same geographic location. (5-24-95)

151. NOTIFICATION TO FEDERAL LAND MANAGEMENT AGENCIES.

Information concerning airborne control activities authorized to be conducted under these rules will be provided to those federal land management agencies on whose land the activities are to be conducted. This provision shall not be interpreted to require a permit applicant to obtain permission from the federal land management agency to conduct airborne control activities as a condition of receiving the permit from the Department. (5-24-95)

152. -- 199. (RESERVED)

200. LIMITATIONS ON USE AND VALIDITY OF AIRBORNE CONTROL PERMITS.

- 01. Possession of Permits by Permittee.** Permits must be in the possession of the permittee when exercising any privileges thereunder. (5-24-95)
- 02. Expiration of Permits.** Permits will be valid from the date of issuance and will expire on June 30 of each year. (5-24-95)
- 03. Exclusive to Permittee.** Permits are not transferable. (5-24-95)
- 04. Geographic Limitation.** Permits are valid only for the geographic area specified. (5-24-95)
- 05. Changes in Application Information.** Any person who has been issued a permit under the provisions of these rules shall immediately notify the Department of any changes in the information supplied in the application or any changes in the conditions under which the permit was issued. (5-24-95)

201. -- 299. (RESERVED)

300. RECORDKEEPING REQUIREMENTS.

- 01. Recordkeeping by Permittee.** Any person who has been issued a permit under the provisions of these rules shall maintain records of airborne control activities including the following information: (5-24-95)
- a.** The resource protected; (5-24-95)
 - b.** The common name of animal and number of animals controlled; (5-24-95)
 - c.** The geographic location of the property where airborne control was conducted; and (5-24-95)
 - d.** The specific dates on which the person was engaged in airborne control activity. (5-24-95)
- 02. Summary of Control Activities.** A summary of all control activities, including the information specified in Subsection 300.01, shall be submitted to the Director within thirty (30) working days after the end of each calendar quarter. (5-24-95)

301. -- 399. (RESERVED)

400. PROHIBITED ACTS.

- 01. Prohibited Acts Defined.** No person shall: (5-24-95)
- a.** Engage in airborne control activities without a valid airborne control permit. (5-24-95)
 - b.** Use an airborne control permit to hunt for sport. (5-24-95)
 - c.** Kill any type of animal different from the type of animal specified on the permit. (5-24-95)
 - d.** Transfer an airborne control permit to another person. (5-24-95)
 - e.** Engage in airborne control activities in a geographic area different from the area specified on the permit. (5-24-95)
 - f.** Engage in airborne control activities after the time limit on the permit expires. (5-24-95)

401. -- 999. (RESERVED)

**IDAPA 02
TITLE 02
CHAPTER 02**

02.02.02 – DEPARTMENT OF AGRICULTURE CONTROLLED ATMOSPHERE STORAGE RULES

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 22-702, 22-802, and 22-803 Idaho Code. (11-25-94)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is “Department of Agriculture Controlled Atmosphere Storage Rules.” (11-25-94)

02. Scope. This chapter has the following scope: to govern the registration and control of apples and prescribe the maximum amount of oxygen that may be retained in a sealed controlled atmosphere. (11-25-94)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (11-25-94)

003. ADMINISTRATIVE APPEAL.

Section 22-705, Idaho Code references appeals from classifications. Other hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code. (11-25-94)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (6-30-19)T

005. ADDRESS, OFFICE HOURS, TELEPHONE, AND FAX NUMBERS.

01. Physical Address. The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712-8298. (6-30-19)T

02. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays as designated by the state of Idaho. (6-30-19)T

03. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 7249, Boise, Idaho 83707. (6-30-19)T

04. Telephone Number. The telephone number for the central office is (208) 332-8500. (6-30-19)T

05. Fax Number. The fax number for the central office is (208) 334-2170. (6-30-19)T

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code and are public records. (6-30-19)T

007. -- 009. (RESERVED)

010. DEFINITIONS.

The Idaho Department of Agriculture adopts the following definitions: (11-25-94)

01. Lot. A “lot” of apples means any group of containers of apples from one (1) grower or orchard and of one (1) variety and which is set apart or is separate from any other group or groups by some evidence such as a lot number or similar mark of identification. (7-1-93)

02. “Packer” or “Repacker.” A person other than an owner or operator of a controlled atmosphere storage plant who removes apples from the containers in which they were treated and places them into other containers or replaces them into the original containers. (7-1-93)

011. -- 099. (RESERVED)

100. APPLES, CONTROLLED ATMOSPHERE.

01. Registration. Any person who owns or operates a controlled atmosphere room or storage building for apples in Idaho, and any person who engages in this State in the business of packing or repacking apples so treated in this State or any other state and who intends to, or does, represent such apples as having been exposed to "controlled atmosphere" storage, shall register with the Director on a form prescribed by the Director. (7-1-93)

02. Registration Period. The registration period for owners or operators of controlled atmosphere rooms or storage buildings in this State commences on September 1 and end on August 31 of each year, and for packers or repackers of apples which have been held in a controlled atmosphere room or storage building in this State or in any other state, the registration period extends for a period not to exceed one (1) year. Owners or operators of such rooms or storage buildings shall register on or before September 1 of each year. (7-1-93)

03. Interstate Registration. Any person who owns or operates a controlled atmosphere room or storage building located outside of Idaho or who engages at a place outside of this State in the business of packing or repacking apples which have been held in controlled atmosphere storage and who intends to, or does, market in the state of Idaho, apples so treated and represented as having been exposed to "controlled atmosphere" storage, shall register with the Director in the same manner as required of any person within the State unless such person has registered with the proper authorities in the state of origin and has been assigned a comparable registration number or CA identification under authority of laws or rules of such state which at least conform to the provisions of these rules. (7-1-93)

04. Written Agreement. The Director will assign each approved registrant a registration number preceded by the letters CA. The Director shall require from each applicant for registration, an agreement in writing in the form required by the Director that the apples so treated or packed or repacked by said applicant will be or have been kept in a room or storage building with not more than five percent (5%) oxygen for a minimum of not less than forty-five (45) days for Gala and Jonagold varieties and not less than sixty (60) days for other apples, and that the oxygen level in such room or storage building will be or has been reduced to five percent (5%) within twenty (20) days after the date of sealing of the storage room, and including any other pertinent facts as may be required by the Director to assure that the apples in question have been so treated. (3-30-01)

05. Refusal Upon Violation. The Director may refuse to approve an application for registration and refuse to issue a registration number if the applicant previously has violated any of the provisions of these rules, or has failed or refused to furnish the information or evidence required by these rules. (7-1-93)

06. Required Air Components Determinations. Each owner or operator of a controlled atmosphere room or storage building in this state shall make the required air components determinations as to the percentage of carbon dioxide and oxygen and temperature at least once each day and shall maintain a record in the form as required by the Director of Agriculture, including the name and address of the owner or operator, room number or numbers, room capacity, lot identification, quantity in each lot, date of sealing, date of opening; a daily record of date and time of test, percentage of carbon dioxide, percentage of oxygen and the temperature. (7-1-93)

07. Written Reports. Each owner or operator of a controlled atmosphere room or storage building in this state shall submit to the Idaho Director of Agriculture, within ten (10) days after the date of sealing, a written report pertaining to each room showing the owner's room number, or numbers, date of sealing, and variety and quantity of apples contained therein. (7-1-93)

08. Maintaining Identity. The identity of all apples represented as having been exposed to "controlled atmosphere" storage shall be maintained from the original room or storage building where they were treated through the various channels of trade to the retailer. (7-1-93)

09. Investigations. Enforcing officers may investigate and examine records and invoices relating to any transactions in order to determine the identity of apples represented as having been exposed to controlled atmosphere storage and in this connection shall give consideration to the presence of CA storage registration numbers

on invoices submitted in transactions by the owners or operators and a combination of both the CA storage and packer or repacker's CA registration number on invoices submitted in transactions by said packer or repacker. (7-1-93)

101. APPLES REPRESENTED AS HAVING BEEN EXPOSED TO "CONTROLLED ATMOSPHERE" STORAGE.

01. Registration Number -- Owner/Operator. Each container and consumer package of such apples moved into the channels of trade by the owner or operator of a controlled atmosphere room or storage building located in Idaho or by any other person, shall be marked with said owner or operator's assigned registration number. (7-1-93)

02. Registration Number -- Packer/Repacker. Each container and consumer package of such apples received from an owner or operator of a controlled atmosphere room or storage building located either in Idaho or in another state and which are packed or repacked by another person in this state, shall be marked with the said packer or repacker's assigned registration number. (7-1-93)

03. Controlled Atmosphere (CA) Identification. Each container and consumer package of such apples moved into the channels of trade in Idaho by the owner or operator of a controlled atmosphere room or storage building located outside of Idaho or by any other person or by a packer or repacker of such apples engaged in such business outside of Idaho shall be marked with the proper registration number or CA identification. Such registration number or CA identification shall be the registration number assigned by the Director to such owner or operator of a CA plant or to such packer or repacker as the case may be or a comparable registration number of identification assigned under authority of laws or regulations of another state which at least conform to the provisions of Subsection 011.04 above. (11-25-94)

04. Labeling Requirements. The registration number or other identification required to be marked on containers shall be in letters or figures at least one-half (1/2) inch in height, and all such markings shall be clear and conspicuous and in a place readily visible to the purchaser, and shall meet the rule requirements of Sections 22-801 and 22-802, Idaho Code. (7-1-93)

05. Inspection and Certification. All apples sold as Controlled Atmosphere apples must be inspected and certified as to grade and condition and be marked with a state lot number in addition to the CA number. (7-1-93)

06. Conditions and Standards. At the time of shipment all apples shipped and marked with a CA number shall meet the U.S. condition and maturity standards for Export. (7-1-93)

07. Reinspection. Apples not shipped within a period of two (2) weeks after inspection and certification must be reinspected. (7-1-93)

08. Failure to Meet Requirements. Failure to meet any one of the requirements noted above will prohibit such apples from being sold as CA storage apples or the containers marked as such. (7-1-93)

102. -- 999. (RESERVED)

**IDAPA 02
TITLE 02
CHAPTER 09**

**02.02.09 – RULES REQUIRING THE INSPECTION OF POTATOES INTENDED FOR SALE
OR OFFERED FOR SALE IN RETAIL OUTLETS**

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 22-901, 22-911, 22-2006, and 22-2020, Idaho Code. (3-30-07)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.02.09, “Rules Requiring the Inspection of Potatoes Intended for Sale or Offered for Sale in Retail Outlets.” (3-30-07)

02. Scope. These rules specify the general requirements for the inspection, grading, marking and retail sales of potatoes in the state of Idaho. (3-30-07)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (3-30-07)

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeals before the Idaho State Department of Agriculture under this chapter. Hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code. (3-30-07)

004. INCORPORATION BY REFERENCE.

IDAPA 02.02.09 incorporates by reference: Federal Marketing Order Number 945 - U.S.D.A. Handling Regulations October 3, 2018, until revised. Copies of this document may be obtained from the Idaho State Department of Agriculture. (6-30-19)T

005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS.

The Idaho State Department of Agriculture central office is located at 2270 Old Penitentiary Road, Boise, ID 83712-8298. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The mailing address is PO Box 7249, Boise, Idaho 83707. The phone number is (208) 332-8500 and the fax number is (208) 334-2170. The Department web address is <https://agri.idaho.gov/>. (6-30-19)T

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records and are available for inspection and copying at the Idaho State Department of Agriculture. (3-30-07)

007. -- 099. (RESERVED)

100. INSPECTIONS, RESTRICTIONS, AND IDENTIFICATION REQUIRED.

All potatoes packed for resale to retail outlets in Idaho shall be inspected as outlined in Section 100.02 and meet the requirements of Federal Marketing Order number 945-USDA and the conditions outlined below: (3-30-07)

01. Certification and Markings. Each shipment packed for resale to retail outlets in Idaho shall be accompanied by a valid inspection certificate, numbered note sheet or be marked with a positive lot identification number (PLI) number. (3-30-07)

02. Inspections. For other than Idaho or Oregon, inspections may be performed by any person or persons authorized under the USDA AMS Specialty Crop Inspection Program to inspect potatoes. (6-30-19)T

03. Restrictions. All potatoes packed for resale to retail outlets in Idaho under the provision of this rule shall be inspected as outlined in Subsection 100.02 and found free from: (3-30-07)

a. Potato Tuberworm (*Phthorimaea operculella* (Zeller)). (3-30-07)

- b. Potato Wart (*Synchytrium endobioticum*). (3-30-07)

101. LOTS TAGGED NOT FOR SALE -- REMOVAL THEREOF.

Retail outlets may be periodically checked by the Idaho State Department of Agriculture. Lots found failing to grade as marked or otherwise found out of compliance with the provisions of this rule will be tagged “Not For Sale” until removed from display and regraded, destroyed or remarked to a lower grade if feasible. (3-30-07)

102. COMPLIANCE OR NON-COMPLIANCE CERTIFICATE.

Each inspection at the retail outlet will be acknowledged by an inspection report showing compliance or non-compliance. (3-30-07)

103. SECOND NOTICE ACTION -- NON-COMPLIANCE.

A second inspection showing evidence of non-compliance in any calendar year will constitute sufficient grounds to proceed with prosecution in accordance with Section 22-2020, Idaho Code. (6-30-19)T

104. BULK LOTS LABELED NOT FOR SALE -- REMOVAL THEREOF.

Bulk potatoes failing to meet the grade shown or otherwise found out of compliance with the provisions of this rule shall be labeled “Not For Sale” until removed. They may be regraded, destroyed or re-marked to a lower grade if feasible. (3-30-07)

105. RESPONSIBILITY OF PERMANENT AND CONDITION DEFECTS.

Defects of condition are those of retailers’ responsibility. Permanent grade defects are those of the original packer. (3-20-77)

106. RESTRICTING STANDARDS TO TABLESTOCK GRADES.

Usable grades or standards are the entire spectrum of U.S. and Idaho Grades excluding processing grades. (3-20-77)

107. -- 999. (RESERVED)

**IDAPA 02
TITLE 04
CHAPTER 04**

02.04.04 – RULES FOR ARTIFICIAL DAIRY PRODUCTS

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 37-303, 37-305, and 37-316, Idaho Code. (6-30-19)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.04.04, “Rules for Artificial Dairy Products.” (6-30-19)T

02. Scope. These rules shall govern the process, sale, and distribution of artificial dairy products. (6-30-19)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (6-30-19)T

003. ADMINISTRATIVE APPEAL.

Persons are entitled to appeal agency actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (6-30-19)T

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (6-30-19)T

005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS.

The Idaho State Department of Agriculture central office is located at 2270 Old Penitentiary Road, Boise, ID 83712-8298. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is PO Box 7249, Boise, Idaho 83707. The phone number is (208) 332-8500 and the fax number is (208) 334-2170. The Department web address is <https://agri.idaho.gov/>. (6-30-19)T

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code and are public records. (6-30-19)T

007. – 011. (RESERVED)

100. GENERAL.

The Director of the Idaho Department of Agriculture or the Director’s authorized representative shall issue and enforce a written stop sale order to the owner or custodian of any quantity of artificial dairy products that has been determined by the Department of Agriculture to be in violation of Sections 37-315 through 37-318, Idaho Code. The order shall prohibit further sale, processing, or movement of such artificial dairy products, until the Department has evidence that the law has been complied with. (6-30-19)T

101. – 999. (RESERVED)

**IDAPA 02
TITLE 04
CHAPTER 08**

02.04.08 – RULES GOVERNING GRADE A MILK AND MILK PRODUCTS

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 37-303, 37-405, and 37-516, Idaho Code. (4-7-11)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is “Rules Governing Grade A Milk and Milk Products.” (4-6-05)

02. Scope. These rules govern procedures for the production, manufacture, distribution, handling, storage, quality and sale of Grade A Milk and Milk Products. (4-8-94)

002. WRITTEN INTERPRETATIONS.

Written interpretations of these rules are contained in the “Indexes of Coded Memoranda” published by the Food and Drug Administration. (4-6-05)

003. ADMINISTRATIVE APPEAL.

Hearing and appeal rights are set forth in Title 67, Chapter 52, Idaho Code. There is no provision for administrative appeals before the Department of Agriculture under this chapter. (4-6-05)

004. INCORPORATION BY REFERENCE.

The Idaho State Department of Agriculture incorporates by reference the following documents in this chapter. Copies of these documents may be obtained at the Idaho State Department of Agriculture central office. (4-7-11)

01. Grade “A” Pasteurized Milk Ordinance. The Grade “A” Pasteurized Milk Ordinance, 2017 revision, published by the U. S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, except the bacterial limit standard and the somatic cell count standard in Section 7 of the document. Available online at <https://www.fda.gov/downloads/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/Milk/UCM612027.pdf>. (4-11-19)

02. Evaluation of Milk Laboratories. The Evaluation of Milk Laboratories, 2017 revision, published by the U. S. Department of Health and Human Services, Public Health Service, Food and Drug Administration. Available online at <https://www.fda.gov/downloads/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/Milk/UCM615021.pdf>. (4-11-19)

03. Methods of Making Sanitation Ratings of Milk Shippers, and the Certifications/Listings of Single-Service Containers and/or Closures for Milk and/or Milk Products Manufactures. The Methods of Making Sanitation Ratings of Milk Shippers, and the Certifications/Listings of Single-Service Containers and/or Closures for Milk and/or Milk Products Manufactures, 2017 revision, published by the U. S. Department of Health and Human Services, Public Health Service, Food and Drug Administration. Available online at <https://www.fda.gov/downloads/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/Milk/UCM600123.pdf>. (4-11-19)

04. Interstate Milk Shipments. The Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments, 2017 revision, published by the U. S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, and the National Conference on Interstate Milk Shipments. Available online at <https://www.fda.gov/downloads/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/Milk/UCM594813.pdf>. (4-11-19)

005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS.

The Idaho State Department of Agriculture central office is located at 2270 Old Penitentiary Road, Boise, ID 83712-8298. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is PO Box 7249, Boise, Idaho 83707. The phone number is (208) 332-8500 and the fax number is (208) 334-2170. The Department web address is <https://agri.idaho.gov/>. (6-30-19)T

006. IDAHO PUBLIC RECORDS ACT.

These rules are public records and are available for inspection and copying at the State Department of Agriculture.
(4-6-05)

007. REGULATORY FRAMEWORK.

All Grade A Milk and Grade A Milk Products shall comply with the provisions set forth in the documents incorporated by reference in this chapter.
(4-7-11)

008. MILK QUALITY STANDARDS.

The following standards shall be substituted for the bacterial limit standard and the somatic cell count standard for Grade A raw milk and milk products for pasteurized, ultra-pasteurization or aseptic processing in Section 7 of the Grade "A" Pasteurized Milk Ordinance.
(4-7-11)

01. Bacterial Limit Standard. The bacterial limit standard is eighty thousand (80,000) per mL.
(4-7-11)

02. Somatic Cell Count Standard. The somatic cell count standard is four hundred thousand (400,000) per mL.
(4-4-13)

03. Out of State Milk. Milk from other states, if processed in Idaho, shall comply with the Idaho somatic cell count standard.
(4-4-13)

009. -- 999. (RESERVED)

**IDAPA 02
TITLE 04
CHAPTER 13**

02.04.13 – RULES GOVERNING RAW MILK

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 37-1101(5), Idaho Code. (4-7-11)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is “Rules Governing Raw Milk.” (3-29-10)

02. Scope. These rules will govern the production, processing, distribution, and sale of raw milk for human consumption, but not intended for pasteurization. (4-7-11)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (3-29-10)

003. ADMINISTRATIVE APPEAL.

Hearing and appeal rights are set forth in Title 67, Chapter 52, Idaho Code. There is no provision for administrative appeal before the Department of Agriculture under this chapter. (3-29-10)

004. INCORPORATION BY REFERENCE.

The following document is incorporated by reference, and copies of the document may be obtained from the Idaho State Department of Agriculture central office at 2270 Old Penitentiary Road, Boise, Idaho, 83712: The Grade A Pasteurized Milk Ordinance 2017 Revision, U.S. Department of Health and Human Services Public Health Service Food and Drug Administration (“2017 Pasteurized Milk Ordinance”), except those provisions establishing raw milk standards for raw milk for pasteurization. This document is available online at <https://www.fda.gov/downloads/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/Milk/UCM612027.pdf>. (4-11-19)

005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS.

The Idaho State Department of Agriculture central office is located at 2270 Old Penitentiary Road, Boise, ID 83712-8298. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is PO Box 7249, Boise, Idaho 83707. The phone number is (208) 332-8500 and the fax number is (208) 334-2170. The Department web address is <https://agri.idaho.gov/>. (6-30-19)T

006. IDAHO PUBLIC RECORDS ACT.

These rules are public records and are available for inspection and copying at the Idaho State Department of Agriculture central office. (3-29-10)

007. -- 009. (RESERVED)

010. DEFINITIONS.

The following definitions apply in the interpretation and the enforcement of this chapter: (3-29-10)

01. Adulterated. The meaning of adulterated includes the following: (4-7-11)

a. The addition or inclusion of unclean, unwholesome, inferior, impure or foreign material into a food product; or (4-7-11)

b. The production, distribution, or sale of raw milk or raw milk products from a facility that does not possess a valid permit from the Department or is not registered with the Department as a Herd Share program; or (4-7-11)

c. Any raw milk product or facility that fails to meet any of the requirements of these rules. (4-7-11)

02. Dairy Farm. Any place or premises where one (1) or more cows, goats or sheep are milked and

where a part or all of the raw milk or raw milk products are produced that are not intended for pasteurization, or are intended for human consumption without pasteurization, and are distributed, sold or offered for sale to persons other than members of the dairy farm's immediate household. (4-7-11)

03. Denatured. To change the usual or normal nature of a material or substance by either chemical or physical means. (3-29-10)

04. Herd Share. The undivided ownership interest in no more than seven (7) cows, fifteen (15) goats, or fifteen (15) sheep resulting from an investment of monetary value through a written contractual agreement between an owner and a farmer in exchange for raw milk or raw milk products. (4-7-11)

05. Official Laboratory. A biological, chemical, or physical laboratory that is approved by the Department. (4-7-11)

06. Owner. A person who has made an investment of monetary value in the ownership or care of cows, goats, or sheep and participates in a Herd Share program pursuant to a written contractual agreement. (4-7-11)

07. Raw Milk. The lacteal secretion, practically free from colostrum, obtained by the complete milking of one (1) or more healthy cows, goats, or sheep, and that has not been pasteurized and is intended for human consumption. (4-7-11)

08. Raw Milk Permit. Authorization from the Department allowing raw milk and raw milk products to be sold for human consumption by a dairy farm or raw milk plant that complies with the requirements of these rules. (4-7-11)

09. Raw Milk Plant. Any place, premises, or establishment where raw milk is collected, handled, stored, bottled, or processed into raw milk or raw milk products for sale or offered for sale for human consumption. (4-7-11)

10. Raw Milk Products. Raw milk products include any milk product processed from raw milk that has not been pasteurized and is intended for human consumption by persons other than members of the dairy farm's immediate household. Cheese made from raw milk that has been processed and aged for a minimum of sixty (60) days at a temperature greater than thirty-five degrees Fahrenheit (35°F) in a licensed dairy processing plant is exempt from these rules. (4-7-11)

11. Registration. A requirement by the Department for the authorization of a Herd Share to provide raw milk and raw milk products for human consumption to owners of that Herd Share as provided in Section 040 of these rules. (4-7-11)

12. Sanitization. The application of any effective method or substance to a clean surface for the destruction of pathogens, and of other organisms as far as is practicable. Such treatment shall not adversely affect the equipment, the raw milk or raw milk products or the health of consumers, and shall be acceptable to the Department. (3-29-10)

13. Small Herd. The production of raw milk or raw milk products for human consumption, for use by people other than members of their immediate household or non-paying guests, in a facility with no more than three (3) lactating cows, seven (7) lactating goats, or seven (7) lactating sheep. The dairy farm herd may include other cows, goats, or sheep that are dry or are producing milk for purposes other than human consumption. (4-7-11)

14. Small Herd Raw Milk Permit. Written authorization from the Department to a small herd dairy farm allowing raw milk and raw milk products to be sold for human consumption as provided in Section 030 of these rules. (4-7-11)

15. Sterilized. The condition achieved by application of heat, chemical sterilant or other appropriate treatment that renders the piping, equipment and containers used for raw milk and raw milk products free of viable microorganisms. (3-29-10)

008. REGULATORY FRAMEWORK.

These rules set forth procedural requirements for the following types of raw milk dairy farm operations: dairy farm with a Raw Milk Permit; dairy farm with a Small Herd Raw Milk Permit; and dairy farm participating in a Herd Share. (4-7-11)

009. ADULTERATED OR MISBRANDED RAW MILK OR RAW MILK PRODUCTS.

01. Prohibited Acts. No person shall produce, provide, sell, offer, or expose for sale, or possess with intent to sell, within the State or its jurisdiction, any adulterated or misbranded raw milk or raw milk products for human consumption. (4-7-11)

02. Restriction on Sale. Raw milk or raw milk products may not be sold or offered for sale through restaurants or other food service establishments. Grocery stores and similar establishments where raw milk or raw milk products are sold at retail, but not processed there, are exempt from the requirements of these rules, provided those stores and establishments receive raw milk or raw milk products from Department-authorized facilities. (4-7-11)

03. Disposition of Adulterated or Misbranded Product. Any adulterated or misbranded raw milk or raw milk product may be impounded and disposed of as directed by the Department. The Department may issue a hold order when it is deemed necessary to protect human health. (4-7-11)

010. STANDARDS FOR RAW MILK AND RAW MILK PRODUCTS.

01. Requirements. All raw milk and raw milk products shall be produced and processed to conform with the standards listed in Subsection 010.02 of this rule. Permitted dairy farms and raw milk plants must meet the sanitation requirements of the 2017 Pasteurized Milk Ordinance, unless the dairy farm has a Small Herd Raw Milk Permit or has registered a herd share arrangement with the Department. (4-11-19)

02. Chemical, Bacteriological, and Temperature Standards.

RAW MILK	
Temperature	Cooled to forty degrees Fahrenheit (40F or 5C) or less within two (2) hour after milking provided that the blend temperature after the first and subsequent milking does not exceed forty-five degrees Fahrenheit (45F or 7C).
Bacterial Limits	Raw milk and raw milk products except cultured raw milk products shall not exceed fifteen thousand (15,000) per ml.
Coliform Limits	Raw milk and raw milk products may not exceed twenty-five (25) per ml.
Drugs	Raw milk must test negative by a test method approved by the Department.
Somatic Cell Counts	Raw milk must not exceed five hundred thousand (500,000) per ml. Goat or sheep raw milk must not exceed seven hundred and fifty thousand (750,000) per ml.
Brucellosis Test	Raw milk obtained from sheep or goats must be from animals that have tested negative on an annual brucellosis test performed by an official laboratory. Raw milk obtained from bovines must be from animals that have tested negative on the Brucellosis Ring Test performed by an official laboratory.
Tuberculosis Test	All raw milk must be from animals that have been accredited as tuberculosis free or must have passed an annual tuberculosis test.

(4-7-11)

03. Commingled Milk. Milk from commingled species must meet the somatic cell count of the most restrictive species. (4-7-11)

011. LABELING.

01. Applicability. Section 011 applies to holders of Raw Milk Permits and holders of Small Herd Raw Milk Permits. (4-7-11)

02. Requirements. All raw milk and raw milk products must have Department-approved labeling. All bottles, containers, and packages enclosing raw milk or raw milk products must be conspicuously marked with the following: (4-7-11)

- a.** The words “not pasteurized,” or “unpasteurized” in addition to “raw” must precede the name of the product; (4-7-11)
- b.** The quantity of contents; (4-7-11)
- c.** The name and address or permit number of the permit holder; and (4-7-11)
- d.** When applicable, the word “goat” or “sheep” must precede the name of the raw milk or raw milk products. (4-7-11)

03. Commingled Milk Label. The label of raw milk or raw milk products containing milk from commingled species must identify the species from which the raw milk was obtained. (4-7-11)

04. Small Herds. Department-approved labels are not required for the holders of Small Herd Raw Milk Permits if the raw milk or raw milk products are sold at the point of production. (4-7-11)

05. Misleading Labels. It is a violation of these rules to use any misleading marks, words, or endorsements on the label. Registered trade designs or similar terms on the bottle cap or label may be used if the Department determines that the designs or terms are not misleading and do not obscure the labeling required by these rules. Any misleading labeling on the final container will cause the product to be considered misbranded. (3-29-10)

012. -- 019. (RESERVED)

020. RAW MILK PERMITS.

01. Requirements. It is unlawful for any person who does not possess a Raw Milk Permit from the Department to produce, process, sell or offer for sale raw milk or raw milk products for human consumption to persons other than members of the dairy farm’s immediate household. (4-7-11)

02. Obtaining a Raw Milk Permit. Only a person who complies with these rules may receive and retain a Raw Milk Permit. Raw Milk Permits are not transferable with respect to persons or locations. Prior to the issuance of a permit each dairy farm whose raw milk or raw milk products are intended for human consumption within the state of Idaho must comply with the following requirements: (4-7-11)

- a.** Submit to and pass a qualifying inspection conducted by the Department; (4-7-11)
- b.** Meet the applicable sanitation, construction, and procedural requirements of the 2017 Pasteurized Milk Ordinance; (4-11-19)
- c.** Meet the raw milk and raw milk products quality standards in Section 010 of these rules; (4-7-11)
- d.** Meet the tuberculosis and brucellosis standards in Section 010 of these rules; and (4-7-11)
- e.** Produce and process all raw milk and raw milk products on the same premises. (4-7-11)

03. Inspection Frequency. Following the issuance of a permit, the Department will inspect each Raw Milk Permit holder operation at least once every three (3) months. (4-7-11)

04. Sanitation Requirements. All raw milk dairy farms and raw milk plants that process raw milk or raw milk products into final containers for human consumption must meet the requirements of the 2017 Pasteurized Milk Ordinance and Section 010 of these rules if the raw milk or raw milk products are for use by persons other than the dairy farm's immediate household. (4-11-19)

021. -- 029. (RESERVED)

030. SMALL HERD RAW MILK PERMITS.

It is unlawful for any person with a small herd to sell raw milk and raw milk products for human consumption without a Small Herd Raw Milk Permit issued by the Department. The Small Herd Raw Milk Permit applies to raw milk and raw milk products intended for human consumption for persons other than members of the dairy farm's immediate household. (4-7-11)

01. Obtaining a Small Herd Raw Milk Permit. Only a person who complies with these rules may receive and retain a Small Herd Raw Milk Permit. The Small Herd Raw Milk Permit will indicate the physical location of the small herd and the mailing address of the owner or operator in charge of the herd's care and milk quality. Small Herd Raw Milk Permits are not transferable to another person or location. Applications for a Small Herd Raw Milk Permit may be upon a form provided by the Department. All holders of Small Herd Raw Milk Permits issued by the Department must meet the following conditions: (4-7-11)

- a.** Meet the raw milk and raw milk products quality standards as set forth in Section 010 of these rules; (4-7-11)
- b.** Meet the tuberculosis and brucellosis standards as set forth in Section 010 of these rules; (4-7-11)
- c.** Meet the applicable drug testing requirements as determined by the Department based on dairy farm drug therapy and milk quality history; and (4-7-11)
- d.** All raw milk and raw milk products must be produced and processed on the same premises. (4-7-11)

02. Testing Frequency. Raw milk or raw milk products must be tested at a frequency of at least four (4) times in separate months during any consecutive six-month period. (4-7-11)

03. Product Quality. Whenever three (3) out of five (5) consecutive bacteria, coliform, or somatic cell counts exceed milk quality standards, the milk may not be offered for human consumption until subsequent product testing shows that the raw milk or raw milk products comply with Section 010 of these rules. (4-7-11)

04. Test Results Made Available. A Small Herd Raw Milk Permit holder must provide raw milk and raw milk product quality tests results if requested by individuals who purchase raw milk and raw milk products. (4-7-11)

05. Exemption from Pasteurized Milk Ordinance. A small herd operation that is in compliance with a Small Herd Raw Milk Permit requirements is exempt from the sanitary, construction, inspection, and operation requirements of the 2017 Pasteurized Milk Ordinance. (4-11-19)

031. -- 039. (RESERVED)

040. HERD SHARE PROGRAMS.

01. Registration. The dairy farm or farmer responsible for a herd participating in a herd share program must register the farm or dairy with the Department. Registration may be upon a form provided by the Department or may be a written statement containing, at a minimum, the following information: (4-7-11)

- a.** The name of the farmer, farm, or dairy; (4-7-11)

- b. A valid, current address for the farmer, farm, or dairy; and (4-7-11)
- c. A statement that raw milk or raw milk products are being produced at the farm or dairy. (4-7-11)
- 02. Proof of Ownership Interest.** The farmer and each owner of the herd share must enter into a written contract evidencing the herd share arrangement. The contractual documents must include, at a minimum, the following: (4-7-11)
 - a. A bill of sale, stock certificate, or other written evidence satisfactory to the Department; (4-7-11)
 - b. A boarding and care plan for the livestock; (4-7-11)
 - c. A conspicuous notice that the milk or milk products received under the contract will be raw; and (4-7-11)
 - d. Proof that written information regarding the herd health and production standards used by the dairy or farm have been provided to each herd share owner. (4-7-11)
- 03. Testing and Results.** The farm or dairy must comply with the testing frequency and standards set forth in Section 37-1101, Idaho Code. A copy of all test results, the name of the tests performed, and an explanation of the tests and test results must be provided to each owner. Proof that the information has been provided to the owners must be sent to the Department. (4-7-11)
- 04. Product Quality.** Whenever three (3) out of five (5) consecutive bacteria, coliform, or somatic cell counts exceed milk quality standards, the milk may not be offered for human consumption until subsequent product testing shows that the raw milk or raw milk products comply with Section 010 of these rules. (4-7-11)
- 05. Restriction on Sale.** No person who obtains raw milk or raw milk products under a herd share arrangement may sell, offer for sale, advertise for sale, or distribute such raw milk or raw milk products to any person, restaurant, food establishment, grocery store, or farmers' market. (4-7-11)
- 06. Procurement of Raw Milk or Raw Milk Products.** Raw milk or raw milk products may only be received directly from the dairy farm by the owners of a herd share or by an owner on behalf of another herd share owner participating in the same herd share program. (4-7-11)
- 041. -- 049. (RESERVED)**
- 050. PERMIT ENFORCEMENT.** Section 050 applies to the enforcement of Raw Milk Permits and Small Herd Raw Milk Permits. (4-7-11)
 - 01. Permit Suspension.** The Department may suspend a permit whenever it has reason to believe that a public health hazard exists, whenever the permit holder has violated any of the requirements of these rules, or whenever the permit holder has interfered with the Department in the performance of its duties. (4-7-11)
 - a. Prior to suspending a permit, the Department will serve a written notice of intent to suspend permit on the permit holder. The notice will specify the alleged violation(s) and afford the permit holder a reasonable opportunity to correct such violation(s) in a manner agreed to by the parties. In the absence of such agreement, the corrective actions may be designated by the Department. The reasonable opportunity to comply will be given before the permit suspension order becomes effective. A permit suspension will remain in effect until the violation has been corrected to the satisfaction of the Department. (4-7-11)
 - b. Whenever the raw milk or raw milk products create or appear to create an imminent hazard to the public health, or in the event of a willful refusal to permit an authorized inspection, the Department may immediately suspend the permit without the prior notice procedure set forth in these rules. The Department will provide notice and opportunity for hearing after the suspension, in accordance with Title 67, Chapter 52, Idaho Code. (4-7-11)
 - c. Upon written request by any person whose permit has been suspended, or by any person who has

been served with a notice of intent to suspend, the Department will proceed to a hearing and, upon evidence presented at such hearing, may affirm, modify, or rescind the suspension or intention to suspend. (4-7-11)

d. The Department may forego permit suspension provided the raw milk or raw milk products in violation are not sold, offered for sale, or distributed for human consumption. (4-7-11)

02. Permit Revocation. If repeated violations occur, the Department may revoke a permit after reasonable notice and an opportunity for a hearing have been given to the permit holder. This section is not intended to preclude the institution of court action. (4-7-11)

03. Permit Reinstatement. Any raw milk producer whose permit has been suspended or revoked may make written application for the reinstatement of the permit. (4-7-11)

a. When the permit has been suspended due to a violation of any of the bacterial, somatic cell, coliform, drug, or cooling-temperature standards, the Department may issue a temporary permit after raw milk samples show that the conditions responsible for the violation have been corrected. (4-7-11)

b. Whenever the permit has been suspended due to a violation of a requirement other than bacteriological, coliform, somatic cell count, or cooling-temperature standards, the application for reinstatement must show that the violation has been corrected. Within one (1) week of the receipt of such application, the Department will make an inspection of the applicant's establishment and may make additional subsequent inspections as deemed necessary. If the inspection shows that the raw milk or raw milk products meet the applicable standards and are in compliance with these rules, the permit will be reinstated. (4-7-11)

051. -- 999. (RESERVED)

**IDAPA 02
TITLE 04
CHAPTER 18**

02.04.18 – RULES GOVERNING CAFO SITE ADVISORY TEAM

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 67-6529F, Idaho Code. (6-30-19)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.04.18, “Rules Governing CAFO Site Advisory Team.” (3-15-02)

02. Scope. These rules shall govern the contents of a request to form a CAFO Site Advisory Team, formation of a CAFO Site Advisory Team, development of a site suitability determination, and submission of the suitability determination to the appropriate county officials. (6-30-19)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (3-15-02)

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeal before the ISDA under this chapter. Persons may be entitled to appeal agency actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (3-15-02)

004. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference, and copies of the documents may be obtained from the Idaho State Department of Agriculture central office at 2270 Old Penitentiary Road, Boise, Idaho, 83712 or accessed online. (3-29-12)

01. Nutrient Management Standard (NMS). (3-29-12)

a. The 1999 publication by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Idaho Conservation Practice Standard, Nutrient Management Code 590. This document can be viewed online at https://agri.idaho.gov/main/wp-content/uploads/2017/08/nutrient_Management_code_590.pdf. (3-29-12)

b. The 2007 publication by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Idaho Conservation Practice Standard, Nutrient Management Code 590. This document can be viewed online at https://agri.idaho.gov/main/wp-content/uploads/2017/10/june_2007_NRCS_590.pdf. (3-29-12)

005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS.

The Idaho State Department of Agriculture central office is located at 2270 Old Penitentiary Road, Boise, ID 83712-8298. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is PO Box 7249, Boise, Idaho 83707. The phone number is (208) 332-8500 and the fax number is (208) 334-2170. The Department web address is <https://agri.idaho.gov/>. (6-30-19)T

006. IDAHO PUBLIC RECORDS ACT.

These rules are public records and are available for inspection and copying at the Idaho State Department of Agriculture. (3-15-02)

007. – 009. (RESERVED)

010. DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this chapter. (3-15-02)

01. Best Management Practices. Practices, techniques, or measures that are determined by the

Department to be a cost-effective and practicable means of preventing or reducing pollutants from point or non-point sources from entering waters of the state and managing odor generated on an agriculture operation to a level associated with accepted agriculture practices. (3-29-12)

02. Land Application. The spreading on, or incorporation into the soil of agricultural by-products such as manure, process wastewater, compost, cull potatoes, cull onions, or crop residues into the soil primarily for beneficial purposes. (3-29-12)

03. Nutrient Management Plan. A plan prepared in conformance with the nutrient management standard. (3-15-02)

04. Nutrient Management Standard. For dairies and beef cattle animal feeding operations, the 1999 publication by the United States Department of Agriculture Natural Resources Conservation Service, Conservation Practice Standard, Nutrient Management Code 590, or other equally protective standard approved by the Director. For poultry concentrated animal feeding operations, the 2007 publication by the United States Department of Agriculture Natural Resources Conservation Practice Standard, Nutrient Management Code 590, or other equally protective standard approved by the Director. (3-29-12)

05. Odor Management Plan. A site-specific plan approved by the Director to manage odor from a CAFO to a level associated with accepted agricultural practices by utilizing best management practices. (3-15-02)

06. Person. Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, private corporation, or any legal entity, which is recognized by law as the subject of rights and duties. (3-15-02)

011. ABBREVIATIONS.

- 01. BMP.** Best Management Practices. (3-15-02)
- 02. CAFO.** Concentrated Animal Feeding Operation. (3-15-02)
- 03. DEQ.** Idaho Department of Environmental Quality. (3-15-02)
- 04. FEMA.** Federal Emergency Management Agency (3-15-02)
- 05. IDWR.** Idaho Department of Water Resources. (3-15-02)
- 06. NRCS.** The United States Department of Agriculture, Natural Resources Conservation Service. (3-15-02)
- 07. NMP.** Nutrient Management Plan. (3-15-02)
- 08. OMP.** Odor Management Plan. (3-15-02)
- 09. USGS.** United States Geological Survey. (3-15-02)

012. -- 099. (RESERVED)

100. APPLICABILITY.

01. Site for a Proposed CAFO. A CAFO site advisory team shall review and make a site suitability determination for all proposed CAFO sites, as defined in these rules, submitted by a board of county commissioners pursuant to these rules. (3-15-02)

02. Sites That Do not Meet the Definition of a CAFO. The Director may form a CAFO site advisory team, as requested by a board of county commissioners, for a site that does not meet the animal numbers in the definition of a CAFO provided that: (3-29-12)

a. The county demonstrates that the site is in an environmentally sensitive area or is in close proximity to streams, lakes, or other bodies of surface water; or (3-15-02)

b. The state agencies have personnel and other resources available to conduct the site suitability determination. (3-15-02)

101. -- 199. (RESERVED)

200. FORMATION OF A SITE ADVISORY TEAM.

A board of county commissioners may request the formation of a CAFO site advisory team to provide a site suitability determination by submitting to the Director a written request supported by the adoption of a resolution by the county. (3-15-02)

01. Designation of the Team Leader. Upon receipt of a request to form a site advisory team, the Director shall designate a team leader. (3-15-02)

02. Notification of Team Members. The team leader shall provide a copy of the request to form a site advisory team to DEQ and IDWR. After receiving notification, DEQ and IDWR shall notify the Team Leader of their respective representatives to the team. (3-15-02)

201. -- 299. (RESERVED)

300. CONTENTS OF A REQUEST TO FORM A SITE ADVISORY TEAM.

The information contained in a request shall include, but not be limited to, the following: (3-15-02)

01. County Definition of CAFO. The county's definition of "CAFO" as set forth in any applicable county ordinance. (3-29-12)

02. Legal Description and Address. Legal description and address of the proposed CAFO. (3-15-02)

03. One-Time Unit Capacity. The one-time animal capacity of the proposed CAFO. (3-29-12)

04. Type of Animals. The type of animals to be confined at the proposed CAFO. (3-15-02)

05. Water Right Information. All requests shall include one (1) of the following: (3-15-02)

a. Evidence that a valid water right exists to supply adequate water for the operation of the proposed CAFO; or (3-15-02)

b. A copy of an application for a permit to appropriate water that has been filed with IDWR, which if approved, will supply adequate water for operation of the proposed CAFO; or (3-15-02)

c. A copy of an application to change the point of diversion, place, period, and nature of use of an existing water right that has been filed with IDWR, which if approved, will supply adequate water for the operation of the proposed CAFO. (3-15-02)

06. Vicinity Map with Site Location. A detailed sketch of the proposed CAFO site location, on an aerial photograph if available, which includes the following: (3-15-02)

a. Building locations; (3-15-02)

b. Waste storage facilities and general areas for any land application including a narrative description of the waste system; (3-15-02)

c. FEMA flood zones or other appropriate flood data for the proposed CAFO site and land application sites owned or leased by the applicant; (3-15-02)

d. Private and community domestic water wells, irrigation wells, existing monitoring wells, and existing injection wells as documented by IDWR or other sources, including the associated well logs if available, which are within a one (1) mile radius of the proposed CAFO; (3-29-12)

e. Irrigation canals, irrigation laterals, rivers, streams, springs, lakes, reservoirs, and designated wetlands, which are within a one (1) mile radius of the proposed CAFO. (3-15-02)

07. Site Characterization. A characterization of the proposed CAFO site and any land application sites owned or leased by the applicant, which includes the following information, if available: (3-15-02)

a. Annual precipitation and prevailing wind direction as contained in the Idaho Waste Management Guidelines, 1997; (3-15-02)

b. Soil characteristics from NRCS; (3-15-02)

c. Hydrologic characteristics from IDWR and USGS including: (3-15-02)

i. Depth to first water yielding zone and first encountered water; (3-15-02)

ii. Direction of ground water movement and gradient; (3-15-02)

iii. Sources and estimates of recharge; (3-15-02)

iv. Seasonal variations in water level and recharge characteristics; (3-15-02)

v. Susceptibility to contamination; and (3-15-02)

vi. Relation of ground water to surface water. (3-15-02)

d. Water quality data from DEQ, the Department, IDWR, or USGS, including: (3-29-12)

i. Microorganisms; (3-15-02)

ii. Nutrients; and (3-15-02)

iii. Pharmaceuticals and organic compounds. (3-15-02)

08. Required OMPs or NMPs. Any OMPs or NMPs that are required by the county to be submitted by the applicant at the time of application. (3-15-02)

301. -- 399. (RESERVED)

400. REVIEW OF REQUEST.

Team members shall review the information provided in the request for the formation of a site advisory team to determine if it includes the required elements of Section 300. (3-15-02)

01. Insufficient Information. If the team determines that the information provided by the county does not include the required elements of Section 300, the team leader shall contact the county and request additional information. (3-15-02)

02. Sufficient Information. When the team has determined that the information submitted by the county contains the required elements of Section 300, the team leader shall schedule an onsite review of the information with the team members. The team leader shall inform the county requesting the formation of the site advisory team of the date and time of the onsite review and the county may have a representative present. (3-15-02)

401. -- 499. (RESERVED)

500. SITE SUITABILITY DETERMINATION.

Within thirty (30) days of receiving a request for the formation of a CAFO site advisory team that includes the required elements of Section 300, the team shall develop and submit to the county a site suitability determination, based on the elements of Section 300 or other relevant information, that contains: (3-15-02)

01. Risk Category. A determination of an environmental risk category: high, moderate; low; or insufficient information to make a determination; (3-15-02)

02. Description of Factors. A description of the factors that contribute to the environmental risks; (3-15-02)

03. Mitigation. Any possible mitigation of the environmental risks. (3-15-02)

501. -- 999. (RESERVED)

**IDAPA 02
TITLE 04
CHAPTER 20**

02.04.20 – RULES GOVERNING BRUCELLOSIS

000. LEGAL AUTHORITY.

This chapter is adapted under the legal authority of Sections 25-203, 25-601, and 25-3520, Idaho Code. (5-3-03)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is “Rules Governing Brucellosis.” (5-3-03)

02. Scope. These rules govern prevention, surveillance, diagnosis, control, management and eradication of brucellosis in the state of Idaho. (5-3-03)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (5-3-03)

003. ADMINISTRATIVE APPEAL.

Persons may be entitled to appeal agency actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (5-3-03)

004. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference and copies of these documents may be obtained from the Idaho State Department of Agriculture Central Office and the State Law Library: (5-3-03)

01. The October 1, 2003 Edition of the Brucellosis Eradication Uniform Methods and Rules. (4-11-06)

02. The September 30, 2003 Edition of the Brucellosis in Cervidae: Uniform Methods and Rules. (4-11-06)

03. The April 1998 Edition of the Swine Brucellosis Control/Eradication: State-Federal-Industry Uniform Methods and Rules. (5-3-03)

04. The Code of Federal Regulations Title 9, Parts 71, 78, and 161, January 1, 2005. This document can be viewed online at http://www.access.gpo.gov/nara/cfr/waisidx_00/9cfrv1_00.html. (4-11-06)

005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS.

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006. IDAHO PUBLIC RECORDS ACT.

These rules are public records available for inspection and copying at the Central Office of the Idaho State Department of Agriculture and the State Law Library. (5-3-03)

007. -- 009. (RESERVED)

010. DEFINITIONS.

The following definitions apply in the interpretation and enforcement of this chapter. (5-3-03)

01. Accredited Veterinarian. A veterinarian approved by the Administrator and USDA/APHIS/VS in accordance with provisions of Title 9, Part 161, Code of Federal Regulations to perform functions of State-Federal animal disease control programs. (5-3-03)

02. Approved Brucella Vaccine. A vaccine product that is approved by and produced under license of

the USDA for administration to cattle, domestic bison, swine or domestic cervidae for the purpose of enhancing the resistance to *brucellosis*. (5-3-03)

03. Approved Feedlot. A feedlot approved by the Administrator to feed female cattle and domestic bison, which have not been officially vaccinated against *brucellosis*. (5-3-03)

04. Brucellosis. An infectious disease of animals and humans caused by bacteria of the genus *Brucella*. (5-3-03)

05. Brucellosis Emergency. The declaration of an animal health emergency by the director as the result of the diagnosis of *brucellosis* in cattle, domestic bison, swine or domestic cervidae in the state of Idaho or in areas outside the state that could result in transmission of *brucellosis* to Idaho cattle, domestic bison, swine, or domestic cervidae. (5-3-03)

06. Brucellosis Herd Management Plan. A written document outlining management practices a livestock producer will take to minimize the exposure of cattle or domestic bison to brucellosis. The herd management plan shall be valid when signed by the owner and the State Veterinarian or his designee. (3-29-12)

07. Cattle. All bovidae. (5-3-03)

08. Commuter Herd. A herd of cattle or domestic bison that moves from Idaho to another state pursuant to the provisions of IDAPA 02.04.21, "Rules Governing the Importation of Animals," Section 220. (3-30-07)

09. Designated Surveillance Area. An area of Idaho, as ordered by the director or his designee, where brucellosis positive wildlife are known or believed to exist and where comingling of wildlife and livestock may lead to transmission of brucellosis from wildlife to livestock. (3-29-12)

10. Domestic Bison. All animals in the genus *Bison* that are owned by a person. (5-3-03)

11. Domestic Cervidae. Elk, fallow deer and reindeer that are owned by a person. (5-3-03)

12. Exposed. Animals that have had contact with other animals, herds, or materials that have been determined to be infected with or affected by *Brucella*. (5-3-03)

13. Federal Animal Health Official. An employee of USDA, APHIS, VS who is authorized to perform animal health activities. (5-3-03)

14. Infected Animals or Herds. Animals that are classified as reactors by the designated *brucellosis* epidemiologist or herds that contain one or more reactor animals. (5-3-03)

15. Negative. Cattle, domestic bison, swine or domestic cervidae are classified negative: (5-3-03)

a. When their blood serum has been subjected to official serological tests and the test results fail to disclose evidence of *Brucella* infection; and (5-3-03)

b. If blood, milk or tissues are subjected to bacteriological methods for cultivating field-strain *Brucella* and none are recovered. An animal is classified as negative when all tests that are performed fail to disclose evidence of *brucellosis*. (5-3-03)

16. Official Identification. The unique individual identification of cattle, domestic bison, swine, or domestic cervidae in accordance with these rules. (5-3-03)

17. Official Vaccinate. A bovine or domestic bison female that was inoculated, in accordance with these rules and the *brucellosis* Eradication UM&R, with an approved *Brucella* vaccine. (5-3-03)

18. Operator. The person who has authority to manage or direct a cattle, domestic bison, swine, or

- domestic cervidae premises, or conveyance and the animals thereon. (3-30-07)
19. **Parturient.** Visibly prepared to give birth or within two (2) weeks before giving birth. (3-30-07)
20. **Postparturient.** Having already given birth. (3-30-07)
21. **Premises.** The ground, area, buildings, corrals, and equipment utilized to keep, hold, or maintain animals. (3-30-07)
22. **Quarantine.** A written order, executed by the Administrator, to confine or hold animals on a premise or any other location, and to prevent movement of animals from a premise or any other location when the administrator has determined that the animals have been found to be or are suspected to be exposed to or infected with *Brucella*, or the animals are not in compliance with the provisions of this chapter. (3-30-07)
23. **Reactor.** Cattle, domestic bison, swine or domestic cervidae are classified as reactors when their blood serum has been subjected to official serological tests and the test results indicate that the animal has been exposed to and infected with *Brucella*. Cattle, domestic bison, swine or domestic cervidae are also classified as reactors in the absence of significant serologic test results when other diagnostic methods, such as bacteriologic methods, result in the recovery of field-strain *Brucella* organisms, or a significant rise in the serologic titer occurs, or when other epidemiologic evidence of *Brucella* infection is demonstrated. (5-3-03)
24. **Re-Identification of Official Vaccinates.** The identification of female cattle or other animals which have been officially vaccinated and identified, as provided in this chapter, and which have lost the official identification device or the tattoo has faded to the extent that it cannot be discerned. (5-3-03)
25. **Restrain.** The confinement of cattle, domestic bison, swine, or domestic cervidae in a chute, or other device, for the purpose of efficiently, effectively, and safely inspecting, treating, vaccinating, or testing. (5-3-03)
26. **Restricted Movement Permit.** A VS Form 1-27, or other document approved by the Administrator for movement of reactor or exposed animals in commerce. (5-3-03)
27. **State Animal Health Official.** The Administrator, or his designee, responsible for disease control and eradication programs. (5-3-03)
28. **State/Federal Animal Health Laboratory.** The official laboratory in Idaho that is approved by the Administrator and USDA/APHIS/VS, to conduct serologic and bacteriologic tests to detect *Brucella*. (5-3-03)
29. **Suspect.** Cattle, domestic bison, swine, or domestic cervidae are classified as suspects when their blood serum has been subjected to official serologic tests and the results suggest infection but are inconclusive. If bacteriologic methods to culture *Brucella* from blood, milk or tissues were used, they did not yield field-strain *Brucella*. (5-3-03)
30. **Swine.** All animals in the family suidae. (5-3-03)
31. **Test Eligible.** Unless otherwise specifically provided in these rules, all sexually intact cattle and domestic bison eighteen (18) months of age and over, and all parturient, and postparturient cattle and domestic bison regardless of age. (3-30-07)
32. **Wild Bison.** All animals in the genus *Bison* that are not owned by a person. (5-3-03)
33. **Wild Elk.** All elk that are not owned by a person. (5-3-03)
- 011. ABBREVIATIONS.**
01. **APHIS.** Animal Plant Health Inspection Service. (5-3-03)

- 02. AVIC. Area Veterinarian in Charge. (5-3-03)
- 03. CFR. Code of Federal Regulations. (5-3-03)
- 04. DSA. Designated Surveillance Area. (3-29-12)
- 05. MCI. Market Cattle Identification. (5-3-03)
- 06. UM&R. Uniform Methods and Rules. (5-3-03)
- 07. USDA. United States Department of Agriculture. (5-3-03)
- 08. VS. Veterinary Services. (5-3-03)

012. -- 019. (RESERVED)

020. APPLICABILITY.

These rules apply to all cattle, domestic bison, swine, and domestic cervidae located within, imported into, transported through or exported from the state of Idaho. (5-3-03)

021. SUPERVISION.

The official brucellosis eradication program will be supervised by full-time state or federal veterinarians. (5-3-03)

022. INSPECTIONS.

In order to ascertain compliance with this chapter, state and federal animal health officials are authorized to inspect animals, records, premises and other areas where cattle, domestic bison, swine, domestic cervidae and other animals are held or kept. (5-3-03)

01. Entering Premises. In order to conduct activities authorized by this chapter, state or federal animal health officials are authorized to enter premises, other areas, or conveyances in the state where cattle, domestic bison, swine, domestic cervidae or other brucellosis susceptible animals are held or kept. State or federal animal health officials will attempt to notify the owner or operator of the premises or conveyance prior to conducting an inspection. (5-3-03)

02. Inspecting Records. To ensure compliance with the provisions of this chapter, state or federal animal health officials are authorized to have access to, inspect, review, and copy any records deemed necessary during normal business hours. State or federal animal health officials will attempt to notify the owner or operator of the premises where the records are located prior to inspecting records. (5-3-03)

03. Emergencies. In the event of an emergency, as determined by the Administrator, the notification requirements of this section may be waived. (5-3-03)

023. LABORATORIES.

Biological samples tested for brucellosis shall be tested only by official state-federal animal health laboratories or by persons authorized by the Administrator, and USDA/VS. (5-3-03)

01. Blood, Milk, Tissue, or Other Samples. All biologic samples shall be collected and tested in accordance with the UM&R for that species. (5-3-03)

02. Authorized Persons. The Administrator may authorize qualified persons to conduct serologic tests for brucellosis. All samples initially tested at other than official state-federal animal health laboratories shall be promptly submitted to the official state-federal animal health laboratory for confirmation of test results. (5-3-03)

03. Retest of Reactors. Within three days (3) days after being notified of the results of an initial herd blood test, the owner may request an additional blood test on reactors, such test shall be made at owner's expense. The request shall be based on sound epidemiologic evidence, and all animals shall remain under herd quarantine. The request shall be made to the Administrator, who will approve or deny the request. (5-3-03)

04. Reclassification of Reactors. Any reclassification of reactor animals shall be in accordance with the UM&R for that species. (5-3-03)

024. REPORTING.

Brucellosis activities conducted privately or as part of the official brucellosis eradication program shall be reported to the Administrator. (5-3-03)

01. Test Results. All test results shall be reported immediately. (5-3-03)

02. Vaccinations. All vaccination reports shall be submitted on a form approved by the Administrator within fifteen (15) days of date of vaccination. (5-3-03)

03. Disease. All owners of animals and veterinarians shall report evidence of brucellosis infection to the Administrator immediately. (5-3-03)

025. QUARANTINES.

All cattle, domestic bison, swine and domestic cervidae animals or herds determined to be exposed to or infected with brucellosis shall be quarantined. (5-3-03)

01. Infected Herds. Infected herds or animals shall remain under quarantine until such time that the herd has been completely depopulated and the premise has been cleaned and disinfected as provided by the administrator or the provisions for release of quarantine established in these rules have been met. (5-3-03)

02. Exposed Herds. The quarantine for exposed herds or animals may take the form of a hold-order which shall remain in effect until the exposed animals have been tested and the provisions for release of a quarantine as established in these rules have been met. (5-3-03)

03. Validity of Quarantine. The quarantine shall be valid whether or not it is acknowledged by signature of the owner. (5-3-03)

026. CLEANING AND DISINFECTING.

The Administrator is authorized to order the owner or operator of stockyards, pens, trucks, trailers, cars, vessels, chutes, and other conveyances and premises to clean and disinfect the same, at the owner's expense, whenever necessary for the eradication of brucellosis. Cleaning and disinfecting shall be done under the supervision of state or federal animal health officials. (5-3-03)

01. Infected Animals. Premises, conveyances, or other areas where infected animals have been held or kept shall be cleaned and disinfected under regulatory supervision within fifteen (15) days following the removal of reactors or the entire herd for slaughter. (5-3-03)

02. Exemptions. The Administrator may authorize an exemption from cleaning and disinfection requirements on a case by case basis. (5-3-03)

03. Extension of Time. The Administrator may authorize an extension of time for cleaning and disinfection under extenuating circumstances. (5-3-03)

027. WILD BISON AND WILD ELK.

01. Wild Bison. When wild bison enter into or are otherwise present within the state of Idaho, one (1) of the following actions shall be taken by the department: (5-3-03)

a. If feasible, the wild bison shall be physically removed by the safest and most expeditious means from within the state boundaries or delivered to a slaughterhouse approved by the department. (5-3-03)

b. If wild bison cannot safely or by reasonable and permanent means be removed from the state, the wild bison may be destroyed where they stand by the use of firearms. If firearms cannot be used with due regard for

human safety and public and private property, the wild bison shall be relocated to a danger free area and destroyed by any practicable means of euthanasia, including the use of firearms. (5-3-03)

c. When wild bison are killed, the carcass remains will be disposed of in accordance with IDAPA 02.04.17, "Rules Governing Dead Animal Movement and Disposal," or field dressed for delivery to a slaughterhouse or slaughter destination approved by the Administrator. (5-3-03)

02. Exposure of Livestock to Wild Bison. All cattle, domestic bison, and domestic cervidae animals and herds that come into contact with brucellosis affected wild bison, such that transmission of brucellosis could occur, shall be considered exposed to brucellosis. (5-3-03)

03. Exposure of Livestock to Wild Elk. All cattle, domestic bison, and domestic cervidae animals and herds that have feed-line or other contact, during winter months, with wild elk that have been determined to be affected with brucellosis, such that transmission of brucellosis could occur, shall be considered exposed to brucellosis. (5-3-03)

028. BRUCELLOSIS TESTING.

The Administrator may require *brucellosis* testing of cattle, domestic bison, swine, domestic cervidae, or other animals. (5-3-03)

01. Duty to Restrain. It is the duty of each person who has control of such animals to pen the animals in suitable pens and restrain them for the test when directed to do so in writing by the Administrator. (5-3-03)

02. Records of Tests. When any cattle, domestic bison, swine, or domestic cervidae are tested for *brucellosis* a complete test record shall be made and the record shall be shown on an official *brucellosis* test form provided by the Administrator. The test form shall be completely filled out, including the following information: (5-3-03)

- a.** The name and address of the owner and the location of the animals at the time of test. (5-3-03)
- b.** The name and signature of the person conducting the test. (5-3-03)
- c.** Individual identification number of each animal and the registration name and number of each purebred animal. (5-3-03)
- d.** Age of each animal. (5-3-03)
- e.** Sex of each animal. (5-3-03)
- f.** Breed of each animal. (5-3-03)
- g.** Species of animals tested. (5-3-03)
- h.** Vaccination status, including the vaccination tattoo for each vaccinated animal. (5-3-03)
- i.** Test results, if a *brucellosis* test has been performed, for each animal. (5-3-03)
- j.** Date sample was collected for testing. (3-30-07)

03. Interstate Movement. All test eligible cattle and domestic bison exported from Idaho shall be tested negative for *brucellosis* within thirty (30) days prior to the interstate movement if required by the state of destination, or if the cattle or domestic bison are being moved from a DSA. (3-29-12)

04. Dairy Herds. *Brucellosis* ring tests shall be conducted on all dairy herds at least once every six (6) months. (4-2-08)

029. BRUCELLOSIS EMERGENCY.

In order to prevent the re-establishment of brucellosis infection in cattle, domestic bison, swine or domestic cervidae in the state, the Director may declare an animal health emergency. (5-3-03)

01. Brucellosis in Idaho. The Director may declare a *brucellosis* emergency in the event brucellosis is diagnosed in any cattle, domestic bison, swine or domestic cervidae in Idaho. (5-3-03)

02. Brucellosis in Adjacent Area. The Director may declare a *brucellosis* emergency in the event that brucellosis is discovered in areas in or outside the state that could result in transmission of *brucellosis* to Idaho cattle, domestic bison, swine, or domestic cervidae. (5-3-03)

03. Infected Herd(s) to Be Condemned and Depopulated. Pursuant to the provisions of Section 25-212, Idaho Code, animals and herds found to be infected with *brucellosis* shall be condemned and completely depopulated or slaughtered. (5-3-03)

030. BRUCELLOSIS INDEMNITY.

Owners of animals that are condemned and depopulated because of brucellosis shall be indemnified for such animals, and for reasonable costs of disposal and cleaning and disinfection in accordance with the provisions of this chapter, except as provided in Section 031. (5-3-03)

01. Indemnity Payments. Payments shall be based upon the appraised value, less federal indemnity and salvage value for the animals. (5-3-03)

02. Time Limit for Slaughter. Payment of indemnity shall be made under Section 030 for animals destroyed because of brucellosis, only if the animals are shipped to slaughter or die otherwise within fifteen (15) days after the date of individual identification and tagging, except that the appropriate veterinarian in charge, for reasons satisfactory to him, may extend the period to thirty (30) days and the Deputy Administrator, Veterinary Services, for reasons satisfactory to him may extend it beyond thirty (30) days. (5-3-03)

03. Reactors That Die. Indemnity may be paid on brucellosis reactors that die before being sent to slaughter provided: (5-3-03)

a. The reactors have been appraised and identified and die within fifteen (15) days from date of appraisal; and (5-3-03)

b. The state or federal animal health officials directing the disease control work are furnished with a signed statement by a veterinarian attesting that he observed the carcass of the dead animal and providing the reactor tag number found in the left ear of the animal and date of death. (5-3-03)

04. Other Costs. Reimbursement for disposal costs and cleaning and disinfection costs shall not exceed the actual cost. (5-3-03)

031. BRUCELLOSIS INDEMNITY: CLAIMS NOT ALLOWED.

Claims for compensation for animals destroyed because of *brucellosis* shall not be allowed if any of the following circumstances exist: (5-3-03)

01. Failure to Comply. The owner has failed to comply with any of the rules governing the handling of *brucellosis* reactors. (5-3-03)

02. Illegal Imports. The animals were illegally imported into the state. (5-3-03)

03. Animals Sold for Slaughter. At the time of the test or condemnation, the animals belonged to or were upon the premises of any person to whom the animals had been sold, shipped, or delivered for slaughter. (5-3-03)

04. Unapproved Test. The animals were subject to a test not approved by the Administrator. (5-3-03)

05. Untested Animals. All animals in the owner's herd have not been tested for *brucellosis* under state

or federal supervision. (5-3-03)

06. Premises Not Cleaned. The premises occupied by the *brucellosis* infected animals were not cleaned and disinfected as directed, under state or federal supervision. (5-3-03)

07. Neutered Animals. The animals were neutered. (5-3-03)

08. Attempt to Improperly Obtain Funds. There is substantial evidence that the owner or his agent has in any way been responsible for any attempt unlawfully or improperly to obtain indemnity funds for such animals. (5-3-03)

09. Unidentified Cattle and Domestic Bison. Cattle or domestic bison destroyed because of *brucellosis*, unless they were marked for identification in accordance with the October 1, 2003, Edition of the *brucellosis* Eradication Uniform Methods and Rules. (3-30-07)

10. Calves. If the entire herd is not depopulated and the cattle or domestic bison were calves under one-hundred eighty (180) days of age. (5-3-03)

032. -- 099. (RESERVED)

100. OFFICIAL VACCINATION REQUIRED FOR CATTLE AND DOMESTIC BISON.

All female cattle and domestic bison utilized for breeding, dairy, or grazing purposes shall be officially vaccinated for brucellosis. Utilization of female cattle or domestic bison, which are not officially vaccinated, for breeding, dairy or grazing purposes is a violation of this chapter. (5-3-03)

101. OFFICIAL VACCINATION.

Female cattle and domestic bison may be officially vaccinated through one (1) of the following methods: (5-3-03)

01. Calfhood Vaccination. Female cattle and domestic bison native to the state of Idaho or imported into the state of Idaho shall be calfhood vaccinated while not less than one hundred twenty (120) days of age or more than three-hundred sixty-five (365) days of age or be consigned to an approved feedlot, for finish feeding for slaughter only, prior to becoming three hundred sixty-five (365) days of age. (5-3-03)

02. Adult Vaccination. Idaho origin female cattle or domestic bison may be vaccinated as adults with the approval of the Administrator. (4-11-06)

a. Female cattle or bison which are three hundred sixty-five (365) days of age or older shall be negative to an official brucellosis test within ten (10) days prior to being vaccinated. Vaccinal dose to be administered shall be determined by the administrator, in consultation with the designated brucellosis epidemiologist and the USDA brucellosis program manager. (4-11-06)

b. The Administrator may make exceptions to the provisions of Section 101 of this rule on a case-by-case basis. (4-11-06)

03. Approval for Adult Vaccination. Accredited veterinarians representing owners, or accredited veterinarians authorized to perform services for specifically approved livestock markets who desire to have female cattle or domestic bison, which are over three hundred sixty-five (365) days of age vaccinated shall request approval from the Administrator. The Administrator may grant or deny the request to adult vaccinate the cattle based upon origin, history, age, pregnancy status and the potential of the cattle or domestic bison to spread other diseases of concern, such as tuberculosis or trichomoniasis. Approval or denial of the request to adult vaccinate the cattle shall be made within seven (7) working days of the date of the request. (4-11-06)

04. Adult Vaccinations Required. The Administrator may require animals at risk of becoming infected with brucellosis to be adult vaccinated. The animals shall be vaccinated at intervals and with the vaccinal dose determined by the designated brucellosis epidemiologist. Such vaccination shall be accomplished whether or not the animals have been previously vaccinated. (5-3-03)

102. SALE OF FEMALE CATTLE OR DOMESTIC BISON THAT ARE NOT OFFICIALLY VACCINATED.

Female cattle and domestic bison that are not officially vaccinated, and are sold or otherwise transferred to another person by private treaty or through a specifically approved livestock market shall meet the following requirements:
(5-3-03)

01. Less Than Three Hundred Sixty Five Days of Age. Female cattle and domestic bison that are more than one hundred twenty (120) days of age and not more than three hundred sixty five (365) days of age at the time of sale or transfer to another person, may be sold to approved feedlots, directly to slaughter, to out of state destinations, or be consigned for sale at specifically approved livestock markets without being officially vaccinated. Such female cattle or domestic bison sold for breeding, grazing, or dairy purposes within Idaho shall be officially vaccinated prior to or immediately upon consummation of the sale.
(5-3-03)

02. Over Three Hundred Sixty Five Days of Age. Female cattle and domestic bison over three hundred sixty five (365) days of age at the time of sale or transfer to another person may be consigned directly to an approved feedlot, out of state destination, slaughter, or specifically approved livestock market for sale to an approved feedlot, out of state destination, or slaughter.
(4-11-06)

103. OFFICIAL IDENTIFICATION OF CATTLE AND DOMESTIC BISON.

01. Official Calftood Vaccinates. Official calftood vaccinates shall be permanently identified as vaccinates by tattoo and official vaccination eartag.
(5-3-03)

a. Vaccination tattoos shall be applied to the right ear. The tattoo shall start with the letter "R," followed by the U.S. registered "shield and V," followed by a number corresponding to the last digit of the year in which the vaccination was done.
(5-3-03)

b. Official vaccination (orange) eartags shall be applied to the right ear.
(5-3-03)

c. Individual animal registration tattoos or individual animal registration brands may be used for identifying animals in place of official eartags if the cattle or domestic bison are registered by a breed association.
(5-3-03)

02. Official Adult Vaccinates. Official adult vaccinates shall be permanently identified as vaccinates by tattoo and by official identification eartag. Animals that have previously been officially identified as vaccinates shall have the prior official identification recorded on a vaccination certificate or test chart in lieu of the identification provided for in this subsection.
(5-3-03)

a. Adult vaccinated cattle or bison must be identified with a vaccination tattoo applied to the right ear that begins with the letter "R," followed by "AV," followed by the last digit of the year in which the vaccination is performed.
(4-11-06)

b. Official identification (silver) eartags shall be applied to the right ear.
(5-3-03)

c. Individual animal registration tattoos or individual animal registration brands may be used for identifying animals in place of official eartags if the cattle or domestic bison are registered by a breed association.
(5-3-03)

03. Reactor Animals. All animals designated as reactors by the designated *brucellosis* epidemiologist shall be marked in accordance with the October 1, 2003, Edition of the *brucellosis* Eradication Uniform Methods and Rules.
(3-30-07)

04. Suspect Animals. All suspect animals shall be marked in accordance with the October 1, 2003 Edition of the *brucellosis* Eradication Uniform Methods and Rules.
(3-30-07)

05. Spayed Heifers. Spayed heifers may be officially identified by applying a hot iron brand high on the tailhead on either or both sides using an open spade symbol as used in playing cards, of not less than three (3)

inches high, or as provided by the administrator. (5-3-03)

104. RE-IDENTIFICATION OF OFFICIAL VACCINATES.

No female cattle or domestic bison that were officially vaccinated against brucellosis shall be re-tattooed for the purpose of re-establishing their status as official brucellosis vaccinates nor shall any officially vaccinated animals be re-ear-tagged with the official vaccination eartag at any time subsequent to the original vaccination, except that re-tattooing for the purpose of re-establishing the status as official *brucellosis* vaccinates shall be allowed under the following conditions: (5-3-03)

01. Administrator Grants Permission. Animals may be re-tattooed only by accredited veterinarians who have obtained permission from Administrator prior to the time the animals are re-tattooed. (5-3-03)

02. Permanent Identification. Animals that are presented for re-tattooing shall have some permanent identification which will identify the animals as those originally tattooed, such as the *brucellosis* vaccination tag, individual animal registration tattoo, or other approved permanent identification, provided that such identification was submitted on the original official vaccination record. (5-3-03)

03. Reproduction of Original Tattoo. Re-tattooing shall reproduce the original tattoo, which was placed in the animal's ear at the time of vaccination. (5-3-03)

04. Records. The veterinarian who performs the re-tattooing shall record the eartag or other identification numbers, the tattoo symbols and the owner's name and address on a new vaccination record form and submit the re-tattooing record to the Division of Animal Industries within ten (10) days of the date of re-tattooing. (5-3-03)

105. LIVESTOCK MARKET RELEASE.

The accredited veterinarian authorized to provide veterinary services at a specifically approved livestock market shall perform a clinical inspection of all livestock and accurately complete a "Saleyard Release" form, certificate of veterinary inspection, or other market release mechanism certifying that the animals meet the health requirements for movement to the point of destination prior to any animals being released from the livestock market. (5-3-03)

106. -- 119. (RESERVED)

120. BRUCELLOSIS ERADICATION AREAS.

The Director is authorized to declare the entire state, a portion of the state, entire county or part of a county an eradication area, pursuant to Idaho Code, Section 25-604, in order to contain an outbreak of brucellosis and prevent spread of brucellosis to herds in other counties and areas of the state. (5-3-03)

01. Circumstances Under Which Testing Is Required. Test eligible cattle, domestic bison, or other brucellosis susceptible species: (5-3-03)

a. Shall be subjected to an official brucellosis test within the thirty (30) days immediately preceding sale or movement out of an eradication area. (5-3-03)

b. For cattle or domestic bison consigned on a permit to a specifically approved stockyard, the brucellosis test requirement may be fulfilled at the stockyard by testing the cattle or domestic bison prior to sale. (5-3-03)

02. Test Exemptions. Test eligible cattle and domestic bison from eradication areas, consigned on a permit directly from a farm or ranch of origin to an approved slaughter establishment, or to a specifically approved stockyard for sale directly to an approved slaughter establishment, shall be exempt from pre-movement testing. (5-3-03)

03. Discontinuance of Eradication Area. The eradication area designation shall exist only for the period of time necessary for the elimination of brucellosis infection from cattle and domestic bison in the area. After infection has been eliminated and Idaho has retained or regained brucellosis free status, the Director shall remove the eradication status from the area and the testing requirements shall be discontinued. (5-3-03)

121. TEST ELIGIBLE CATTLE AND DOMESTIC BISON IN AN ERADICATION AREA.

Test eligible cattle and domestic bison in an eradication area are: (3-30-07)

01. Unvaccinated or Vaccinated with Brucella Abortus Strain RB 51 Vaccine. Intact male and female cattle and domestic bison that are not vaccinated against *brucellosis* with Brucella abortus strain 19 vaccine and are six (6) months of age or older; or (5-3-03)

02. Strain 19 Dairy Vaccinates. *brucellosis* strain 19 vaccinated female cattle of dairy breeds that are: (5-3-03)

a. Twenty (20) months of age or older; or (5-3-03)

b. Parturient; or (5-3-03)

c. Post-parturient; or (5-3-03)

03. Strain 19 Beef or Domestic Bison Vaccinates. *brucellosis* strain 19 vaccinated female cattle of beef breeds or domestic bison that are: (5-3-03)

a. Twenty-four (24) months of age or older; or (5-3-03)

b. Parturient; or (5-3-03)

c. Post-parturient. (5-3-03)

122. MOVEMENT INTO OR OUT OF ERADICATION AREAS.

Cattle or domestic bison shall not be moved into or out of an eradication area except by the authorization of the Administrator. (5-3-03)

01. Permits Authorizing Movement. Movement of cattle or domestic bison into or out of an eradication area shall require a permit issued by the Administrator. (5-3-03)

02. Contents of Permits. Permits for movement into or out of an eradication area shall be of the form and content prescribed by the Administrator. (5-3-03)

123. DESIGNATED SURVEILLANCE AREA (DSA).

All intact cattle and domestic bison within a DSA are subject to additional rule requirements for the prevention or eradication of brucellosis. (3-29-12)

01. Individual Identification Requirements. All intact cattle and domestic bison, regardless of age, that leave the DSA must be identified with official individual identification. (3-29-12)

02. Testing Requirements Within The DSA. The following official brucellosis test requirements apply to all test eligible cattle and domestic bison that are or have been located within the DSA at any time between January 1 and June 15 of any calendar year. (3-29-12)

a. All test eligible cattle and domestic bison must have a negative brucellosis test within thirty (30) days prior to a change of ownership, interstate movement or prior to leaving the DSA, except cattle or domestic bison moving directly to an approved Idaho livestock market or a federally-inspected slaughter plant that will test the animals for brucellosis on arrival. (3-29-12)

b. Variances or exceptions to the brucellosis testing requirements may be considered on an individual basis by the administrator, based upon a brucellosis herd management plan. (3-29-12)

03. Permit Required for Movement Out of the DSA. In addition to the above testing requirements and prior to movement, all persons transporting Test Eligible cattle or domestic bison from within the DSA to a

location outside the DSA, shall be required to obtain a movement permit via telephone from the Division of Animal Industries at least twenty-four (24) hours in advance. (3-20-14)

a. Telephone Requests. DSA movement permits may be requested by telephone at (208) 332-8540 or facsimile at (208) 334-4062. (3-20-14)

b. Contents of a Permit Request. The request for a movement permit shall include the following information: (3-20-14)

i. Name and address of the consignor and consignee; (3-20-14)

ii. Number and kind of animals; (3-20-14)

iii. Origin of shipment; (3-20-14)

iv. Final destination; and (3-20-14)

v. Date of required brucellosis test. (3-20-14)

c. Period of Validity. Permits shall be valid for no longer than fifteen (15) days from the date of issuance unless otherwise specified. (3-20-14)

d. Penalties. Any person that fails to obtain a permit prior to movement of cattle out of the DSA may be assessed penalties pursuant to Section 990 of this rule. (3-20-14)

124. -- 129. (RESERVED).

130. MOVEMENT OF INFECTED AND EXPOSED CATTLE OR DOMESTIC BISON.

All movement of infected or exposed cattle or domestic bison shall be on a restricted movement permit in accordance with the October 1, 2003, edition of the *brucellosis* Eradication Uniform Methods and Rules. (3-30-07)

01. Restricted Movement Permit. The permit shall be completed in full and signed by the shipper of the animals. (5-3-03)

02. Original Copy of Permit. The original copy of the permit shall accompany the animal being moved. (5-3-03)

131. -- 199. (RESERVED)

200. IDAHO APPROVED FEEDLOT.

Female cattle and domestic bison that have not been officially vaccinated for brucellosis may be fed for slaughter in an Idaho approved feedlot, with no provisions for pasturing or grazing. Female cattle and domestic bison that have not been officially vaccinated for brucellosis shall not be fed for slaughter except in Idaho approved feedlots, with no provisions for pasturing or grazing. (5-3-03)

201. APPLICATION FOR DESIGNATION AS AN IDAHO APPROVED FEEDLOT.

Application for Idaho Approved Feedlot status shall be made on application forms available from the Administrator. (5-3-03)

202. ADMINISTRATOR APPROVAL.

The Administrator may approve feedlot applications after the feedlot has been inspected by state or federal animal health officials and: (5-3-03)

01. Cattle Secured. The feedlot management has demonstrated that cattle which have not been officially vaccinated can be secured in the feedlot; and (5-3-03)

02. Adequate Records. Feedlot records are adequate to show the origin and disposition of the cattle in

the feedlot; and (5-3-03)

03. Adequate Resources. The Administrator determines that the Division of Animal Industries has adequate human and fiscal resources to assure that the feedlot abides by the provisions of this chapter; and (5-3-03)

04. Past History. The Administrator may take any past enforcement or violation history into consideration when making the final determination of whether or not to approve a feedlot. (5-3-03)

203. APPROVED FEEDLOT NUMBER.
Feedlots approved by the Administrator shall receive an Idaho Approved Feedlot Number. (5-3-03)

204. EXPIRATION OF APPROVED STATUS.
Approved feedlot status shall expire on September 1 of each year. It shall be the responsibility of feedlot management to apply each year for renewal of approved status. (5-3-03)

205. -- 249. (RESERVED)

250. CONTENT OF RECORDS FOR APPROVED FEEDLOTS.
All approved feedlots shall keep accurate and complete records of all cattle and domestic bison that enter the approved feedlot. These records shall readily show: (5-3-03)

01. Animals Received. The number, species, age, sex, brand, origin, date of entry, individual identification when required, and final disposition of all cattle and domestic bison received at the feedlot; and (5-3-03)

02. Animals Removed from Feedlot. The date of removal or sale, and destination of any animals removed; and (5-3-03)

03. Death Loss. Cattle and domestic bison losses by accident, disease or death shall be accurately recorded; and (5-3-03)

04. Requirements. That all applicable permit, test, examination, identification, and vaccination requirements have been met. (5-3-03)

251. RECORDS RETENTION.
Feedlot records shall be retained by the feedlot for a period of not less than one (1) year following removal of the cattle or domestic bison from the feedlot. (5-3-03)

252. ENTRY REQUIREMENTS.
Idaho Approved Feedlots are allowed to feed all classes of cattle and domestic bison, except brucellosis-exposed, suspect, or reactor cattle and domestic bison. Test eligible cattle and domestic bison from Class A, and B states or areas, as defined in Title 9, Part 78, CFR, shall be tested negative prior to entry. (5-3-03)

253. REMOVAL REQUIREMENTS.
All cattle and domestic bison, except steers and spayed heifers, leaving Idaho Approved Feedlots shall conform to the following provisions: (5-3-03)

01. Direct to Slaughter. Shall be identified on a weigh bill or other certificate and moved directly to slaughter at an approved slaughter establishment; or (5-3-03)

02. Direct to Another Idaho Approved Feedlot. Shall be identified on a Certificate of Veterinary Inspection and moved directly to another Idaho Approved Feedlot; or (5-3-03)

03. Direct to Livestock Market. Shall be consigned directly to a specifically approved livestock market for sale to slaughter, or other qualified destination; or (5-3-03)

04. Direct Out of State. Shall be consigned directly to a qualified out of state destination. (5-3-03)

05. Official CalfhooD Vaccinates. Officially calfhooD vaccinated female cattle or domestic bison may be removed from an Idaho Approved Feedlot for breeding, dairy, or grazing purposes provided that the female cattle or domestic bison have been isolated in pens separate and apart from all other feedlot cattle since arrival at the feedlot, and the isolation is maintained until the vaccinated cattle or domestic bison are removed from the feedlot. (5-3-03)

06. Official Adult Vaccinates. Officially adult vaccinated female cattle or domestic bison may be removed from an Idaho Approved Feedlot for breeding, dairy, or grazing purposes provided that the following conditions are met: (5-3-03)

a. Female cattle or domestic bison that are three-hundred sixty-five (365) days of age or older at the time of vaccination have tested negative to an official brucellosis test within ten (10) days prior to vaccination; and (5-3-03)

b. The female cattle or domestic bison are vaccinated with Strain RB 51 Brucella abortus vaccine, with a dose approved by the Administrator, within ten days of the negative brucellosis test; and (5-3-03)

c. The female cattle or domestic bison have been isolated in pens separate and apart from all other feedlot cattle since arrival at the feedlot and the isolation is maintained until the vaccinated cattle or domestic bison are removed from the feedlot; and (5-3-03)

d. All female cattle or domestic bison in the isolation pen are negative on an official brucellosis test prior to the vaccination and removal of any cattle from the isolation pen; and (5-3-03)

e. The female cattle or domestic bison are identified on a Certificate of Veterinary Inspection at the time of removal. (5-3-03)

07. Intact Males. Intact male cattle and domestic bison may be removed from an Idaho Approved Feedlot for breeding, dairy, or grazing purposes provided that the following conditions are met: (5-3-03)

a. The intact male cattle or domestic bison have been tested negative to trichomoniasis tests as provided in the trichomoniasis rules, IDAPA 02.04.03, "Rules of the Department of Agriculture Governing Animal Industry," Section 220. (5-3-03)

b. The intact male cattle or domestic bison have been isolated in pens separate and apart from other feedlot cattle since arrival at the feedlot. (5-3-03)

c. The intact male cattle or domestic bison are examined, tested for brucellosis, and identified on a Certificate of Veterinary Inspection at the time of removal. (5-3-03)

08. Interstate Commerce. Animal(s) moved in interstate commerce shall meet all applicable state and federal requirements. (5-3-03)

09. Approval of the Administrator. Vaccinated female cattle and intact male cattle being removed from the feedlot for breeding, dairy or grazing purposes shall not be removed without notification, and if required, approval of and under the conditions determined by the administrator. (5-3-03)

254. TESTING. Under the Brucellosis UM&R, Idaho Approved Feedlots are considered herds, not Quarantined Feedlots. (5-3-03)

01. MCI. In the event that MCI slaughter testing discloses reactor(s) that came from the approved feedlot, the test-eligible animals remaining in the feedlot will be subjected to a herd test for brucellosis, unless feedlot records are adequate to identify the herd from which the reactor(s) originated and an epidemiological investigation demonstrates that the cattle remaining in the feedlot are not exposed. (5-3-03)

02. Exposed Cattle. Cattle in an approved feedlot may be subject to testing for brucellosis if a

brucellosis test conducted in the feedlot or an epidemiological investigation reveals that brucellosis exposed cattle have entered the feedlot. (5-3-03)

255. INSPECTION.

The feedlot premises, the cattle or domestic bison therein, and the feedlot records shall be presented for inspection to the Administrator at any reasonable time. (5-3-03)

256. REVOCATION OF APPROVED FEEDLOT STATUS.

The Administrator may revoke approved feedlot status by notifying the owner in writing. (5-3-03)

01. Failure to Comply. In addition to any other department administrative or civil action, failure on the part of the feedlot operator to comply with the requirements of this chapter shall result in revocation of the Idaho Approved Feedlot status. (5-3-03)

02. Operator Request. Operators may have the approved status revoked by emptying the feedlot and requesting in writing that the status be revoked. (5-3-03)

03. Regulation Changes. Idaho Approved Feedlot status may be revoked at such time as revocation is required by changes in state or federal rules or regulations. (5-3-03)

04. Disposition of Cattle and Domestic Bison. Should the Idaho Approved Feedlot status be revoked, cattle and domestic bison still in the feedlot shall be removed from the feedlot as provided in Section 252 of this rules. The Administrator shall have the authority to impose time limits for removal of cattle and bison. (5-3-03)

257. -- 299. (RESERVED)

300. OFFICIAL IDENTIFICATION OF DOMESTIC CERVIDAE.

01. Identification at Time of Brucellosis Testing. Domestic cervidae shall be individually identified with an official identification device and the individual identification recorded on an official test form, or any existing official identification on the animal shall be recorded on an official test form at the time of brucellosis testing. (5-3-03)

02. Identification of Reactors. Animals classified as reactors to an approved brucellosis test shall be identified by hot branding the letter "B" (at least two by two (2 x 2) inches) on the left hip and by placing an official reactor tag in the left ear before movement of the animal from the premises where tested. (5-3-03)

03. Identification of Suspect and Exposed Animals. Suspect and exposed animals shall be identified by hot branding the letter "S" (at least two by two (2 x 2) inches) on the left hip and the official eartag number shall be recorded on movement documents before movement of the animal from the premises where found or tested. (5-3-03)

04. Exception to Identification of Reactor, Suspect, and Exposed Animals. In lieu of tagging and branding reactor, suspect, or exposed animals, the Administrator may approve movement of these animals directly to slaughter in a sealed vehicle or accompanied by a state or federal animal health official. (5-3-03)

301. -- 319. (RESERVED)

320. TESTING REQUIREMENTS.

01. Issuance of Order for Testing, Quarantine, or Disposal of Domestic Cervidae. The Administrator shall determine when testing, quarantine, or disposal of domestic cervidae infected with or exposed to brucellosis is required, pursuant to Title 25, Chapters 2, 6, and [37] 35, Idaho Code. If the Administrator determines that testing or disposal of domestic cervidae or disinfection or sterilization of facilities is required, a written order shall be issued to the owner describing the procedure to be followed and the time period for carrying out such actions. (5-3-03)

02. Brucellosis-Free Certification of Domestic Cervid Herds. Domestic cervidae shall be tested in accordance with the UM&R for Brucellosis in Cervidae to obtain certification of a herd as brucellosis-free. All sexually intact animals six (6) months of age or older must have three consecutive negative tests nine (9) to fifteen (15) months apart for initial herd certification. (5-3-03)

321. DOMESTIC CERVIDAE BRUCELLOSIS ERADICATION AREA.

The Director is authorized to declare the entire state, a portion of the state, entire county or part of a county a domestic cervidae brucellosis eradication area, pursuant to Section 25-604, Idaho Code, in order to contain an outbreak of brucellosis and prevent spread of brucellosis to herds in other counties and areas of the state. (5-3-03)

322. TESTING AND MOVEMENT.

Testing and movement requirements related to cervidae brucellosis eradication areas shall be in accordance with the UM&R for Brucellosis in Cervidae. (5-3-03)

323. -- 399. (RESERVED)

400. OFFICIAL IDENTIFICATION OF SWINE.

01. Swine Tested at Farm. All swine bled on the farm as part of a complete herd test for swine brucellosis shall be individually identified by official VS-approved eartags, visible tattoos, or ear notches, provided the ear notch has been recorded in the book of record of a purebred registry association. (5-3-03)

02. Swine Tested at Market or Slaughter. Sows and boars six (6) months of age and older shall be identified by an official VS-approved paper or plastic backtag applied to the head or poll region and/or an official VS-approved eartag when tested for swine brucellosis at markets or slaughter establishments. (5-3-03)

03. Reactor Swine. Swine reacting to the swine brucellosis test shall be identified by placing an official VS-approved reactor tag in the left ear. (5-3-03)

401. -- 419. (RESERVED)

420. TESTING REQUIREMENTS.

01. Test Eligible Swine. Brucellosis testing of swine at markets, at slaughter establishments and farms when required by the UM&R for Control/Eradication of Swine Brucellosis shall be performed on sexually intact animals 6 months of age and older. (5-3-03)

02. Imported Domestic Swine. Test eligible swine shall be negative to a swine brucellosis test thirty (30) days prior to importation into Idaho unless, the swine are from a validated swine brucellosis-free herd or state. (5-3-03)

03. Semen Sold for Artificial Insemination. All herds that market swine semen shall be subjected to a complete herd test annually and be validated swine brucellosis free. (5-3-03)

421. SWINE BRUCELLOSIS ERADICATION AREA.

The Director is authorized to declare the entire state, a portion of the state, entire county or part of a county a swine brucellosis eradication area, pursuant to Section 25-604, Idaho Code, in order to contain an outbreak of brucellosis and prevent spread of brucellosis to herds in other counties and areas of the state. (5-3-03)

422. TESTING AND MOVEMENT.

Testing and movement requirements related to swine brucellosis eradication areas shall be in accordance with the UM&R for control/eradication of swine brucellosis. (5-3-03)

423. -- 999. (RESERVED)

**IDAPA 02
TITLE 04
CHAPTER 21**

02.04.21 – RULES GOVERNING THE IMPORTATION OF ANIMALS

000. LEGAL AUTHORITY.

This chapter is adapted under the legal authority of Sections 25-203, 25-305, 25-401, 25-601, 25-3704, Idaho Code. (5-3-03)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is “Rules Governing the Importation of Animals.” (5-3-03)

02. Scope. These rules govern procedures, requirements, and qualifications for the importation of animals into the state of Idaho. (5-3-03)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (5-3-03)

003. ADMINISTRATIVE APPEAL.

Persons may be entitled to appeal agency actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (5-3-03)

004. INCORPORATION BY REFERENCE.

Copies of these documents may be obtained from the Idaho State Department of Agriculture Central Office. IDAPA 02.04.21 incorporates by reference: (4-11-06)

01. The October 1, 2003 Edition of the Brucellosis Eradication Uniform Methods and Rules. This document can be viewed online at https://www.aphis.usda.gov/animal_health/animal_diseases/brucellosis/downloads/umr_bovine_bruc.pdf. (3-29-17)

02. The September 30, 2003 Edition of the Brucellosis in Cervidae: Uniform Methods and Rules. This document can be viewed online at https://www.aphis.usda.gov/animal_health/animal_diseases/brucellosis/downloads/bcervumr.pdf. (3-29-17)

03. The April 1998 Edition of the Swine Brucellosis Control/Eradication: State-Federal-Industry Uniform Methods and Rules. This document can be viewed online at https://www.aphis.usda.gov/animal_health/animal_dis_spec/swine/downloads/sbruumr.pdf. (3-29-17)

04. The Code of Federal Regulations Title 9, Parts 71, 75, 77, 78, 85, 145, 147, and 161, January 1, 2016. This document can be viewed online at http://www.ecfr.gov/cgi-bin/text-idx?SID=9e3e2eff1a42367841dc92eee8d5324d&mc=true&tpl=/ecfrbrowse/Title09/9cfrv1_02.tpl#0. (3-29-17)

05. The January 1, 2005 Edition of the Bovine Tuberculosis Eradication Uniform Methods and Rules. This document can be viewed online at https://www.aphis.usda.gov/animal_health/animal_diseases/tuberculosis/downloads/tb-umr.pdf. (3-29-17)

06. The November 1, 2003 Edition of the Pseudorabies Eradication, State-Federal-Industry Program Standards. This document can be viewed online at http://www.aphis.usda.gov/animal_health/animal_diseases/pseudorabies/downloads/program_stds.pdf. (4-11-06)

07. The April 19, 2004 Edition of the Equine Viral Arteritis Uniform Methods and Rules. This document can be viewed online at <http://www.aphis.usda.gov/vs/nahss/equine/eva/eva-umr.pdf>. (5-8-09)

08. The January 10, 2007 Edition of the Equine Infectious Anemia: Uniform Methods and Rules. This document can be viewed online at https://www.aphis.usda.gov/vs/nahss/equine/eia/eia_umr_jan_10_2007.pdf. (3-29-17)

005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS.

The Idaho State Department of Agriculture central office is located at 2270 Old Penitentiary Road, Boise, ID 83712-8298. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The mailing address is PO Box 7249, Boise, Idaho 83707. The phone number is (208) 332-8500 and the fax number is (208) 334-2170. The Department web address is <https://agri.idaho.gov/>. (5-3-03)

006. IDAHO PUBLIC RECORDS ACT.

These rules are public records available for inspection and copying at the Central Office of the Idaho State Department of Agriculture. (4-7-11)

007. -- 009. (RESERVED)

010. DEFINITIONS.

01. Accredited Veterinarian. A veterinarian approved by the Administrator and USDA/APHIS/VS in accordance with provisions of Title 9, Part 161, Code of Federal Regulations to perform functions of State-Federal animal disease control programs. (5-3-03)

02. Animals. All vertebrates, except humans. (5-3-03)

03. Approved Brucella Vaccine. A vaccine product that is approved by and produced under license of the United States Department of Agriculture for administration to cattle, domestic bison, swine or domestic cervidae for the purpose of enhancing the resistance to brucellosis. (5-3-03)

04. Approved Equine Feedlot. A feedlot approved by the Administrator to feed equids intended to be shipped directly to slaughter within sixty (60) days of arrival to the feedlot and have not been officially tested for Equine Infectious Anemia (EIA) prior to importation into Idaho. (3-20-14)

05. Approved Feedlot. A feedlot approved by the Administrator to feed female cattle and domestic bison which have not been officially vaccinated against brucellosis or other bovidae not in compliance with Idaho's rules. (5-3-03)

06. Approved Slaughter Establishment. A USDA inspected slaughter establishment at which ante-mortem and post-mortem inspection is conducted by USDA inspectors. (5-3-03)

07. Brucellosis. An infectious disease of animals and humans caused by bacteria of the genus *Brucella*. (5-3-03)

08. Brucellosis Surveillance Area or High Risk Areas. Any area of a state that has been identified by USDA/APHIS/VS or state animal health officials as an area that poses a greater risk for transmission of brucellosis than would be expected based upon the official classification of the state. (5-3-03)

09. Camelids. Llamas, alpacas, vicunas, camels. (5-3-03)

10. Cattle. All bovidae including domestic bison. (5-3-03)

11. Certificate. An official certificate of veterinary inspection or other approved certificate issued by an accredited veterinarian, state or federal animal health official or other approved official at the point of origin of the shipment of animal(s) being imported. (5-3-03)

12. Domesticated. Propagated and maintained under the control of a person. (5-3-03)

13. Domestic Bison. All animals in the family *Bison* that are owned by a person. (5-3-03)

14. Domestic Cervidae. Elk, fallow deer, and reindeer that are owned by a person. (5-3-03)

15. Equidae. Horses, ponies, asses, mules, zebras. (5-8-09)

16. **Exposed.** Animals that have had direct contact with other animals, herds, or materials that have been determined to be infected with or affected by any infectious, contagious, or communicable disease. (5-3-03)
17. **Federal Animal Health Official.** An employee of USDA/APHIS/VS who has been authorized to perform animal health activities. (5-3-03)
18. **Feeder Animals.** Animals to be fed for slaughter only. (5-3-03)
19. **Game Birds.** Domesticated gallinaceous fowl such as pheasants, partridge, quail, grouse and guineas. (5-3-03)
20. **Hatching Eggs.** Fertilized eggs. (5-3-03)
21. **Livestock.** Means cattle, swine, horses, mules, asses, domestic cervidae, sheep, goats, camelids, and ratites. (5-3-03)
22. **National CWD Herd Certification Program.** A federal-state-industry cooperative program, as provided for in the Code of Federal Regulations, Title 9, Part 55, January 1, 2013. The program, administered by APHIS and implemented by participating states, establishes CWD surveillance and testing standards cervidae owners must achieve before interstate transport will be permitted. (3-20-14)
23. **Negative.** Animals are classified as negative when they have been subjected to official tests for a disease, and the tests performed have failed to disclose evidence of the disease. (5-3-03)
24. **Official Identification.** The unique individual identification of cattle, domestic bison, swine, or domestic cervidae in accordance with the rules governing each species. (5-3-03)
25. **Official Vaccinate.** Cattle or domestic bison female that was inoculated, in accordance with IDAPA 02.04.20 "Rules Governing Brucellosis" or the Brucellosis Eradication UM&R, with an approved Brucella vaccine. (5-3-03)
26. **Poultry.** The term means chickens, turkeys, ducks, geese, guinea fowl, pigeons, pheasants, domestic fowl, waterfowl and gamebirds. (5-3-03)
27. **Quarantine.** A written order executed by the Administrator to confine or hold animals on a premise, or any other location where found, and prevent movement of animals from a premise or any other location when the administrator has determined that the animals are infected with or exposed to a disease, or are not in compliance with the provisions of this chapter. (5-3-03)
28. **Ratites.** Ostrich, emu, rhea and cassowaries. (5-3-03)
29. **Slaughter Animals.** Animals of any kind for immediate slaughter, or those consigned for slaughter within fourteen (14) days of date of shipment. (5-3-03)
30. **State Animal Health Official.** The Administrator or his designee responsible for disease control and eradication programs. (5-3-03)
31. **VHSV Positive Area.** Any area or region that has been identified by USDA as affected by VHSV. (4-2-08)
32. **Waterfowl.** Domestic fowl that normally swim, such as ducks and geese. (5-3-03)
33. **Wildlife.** Any animal generally living in a state of nature except, domestic bison, domestic cervidae, domestic fur bearing animals, and fish. (4-2-08)

011. ABBREVIATIONS.

01. APHIS. Animal and Plant Health Inspection Service. (4-2-08)
 02. AVIC. Area Veterinarian in Charge. (5-3-03)
 03. AZA. Association of Zoos and Aquariums. (4-4-13)
 04. BAPA. Buffered Acidified Plate Assay. (3-29-17)
 05. BPAT. Buffered Antigen Plate-Agglutination Test. (3-29-17)
 06. CF. Complement Fixation Test. (3-30-07)
 07. CFR. Code of Federal Regulations. (5-3-03)
 08. CWD. Chronic Wasting Disease. (5-3-03)
 09. EIA. Equine Infectious Anemia. (5-3-03)
 10. EVA. Equine Viral Arteritis. (5-8-09)
 11. FPA. Fluorescence Polarization Assay. (3-29-17)
 12. NAEBA. North American Elk Breeders Association. (5-3-03)
 13. NPIP. National Poultry Improvement Plan. (5-3-03)
 14. *P. tenuis*. *Paralephastromylytus tenuis* (meningeal worm of deer). (4-11-15)
 15. PCR. Polymerase Chain Reaction. (4-2-08)
 16. RDGF. Red Deer Genetic Factor. (4-4-13)
 17. TB. Tuberculosis. (5-3-03)
 18. UM&R. Uniform Methods and Rules. (5-3-03)
 19. USDA. United States Department of Agriculture. (5-3-03)
 20. VHSV. Viral Hemorrhagic Septicemia Virus. (4-2-08)
 21. VS. Veterinary Services. (5-3-03)
- 012. APPLICABILITY.**
These rules apply to all animals imported into the state of Idaho. (5-3-03)
- 013. -- 049. (RESERVED)**
- 050. REQUIREMENTS OF TITLE 9, PARTS 71, 75, 77, 78, 85, 145, 146, 147, AND 161, CFR.**
In addition to meeting the requirements of this chapter for entry, animals imported into Idaho shall meet all applicable requirements set forth in the Title 9, Parts 71, 75, 77, 78, 85, 145, 146, 147, and 161, CFR, January 1, 2006. (5-8-09)
- 051. POST ENTRY INSPECTIONS.**
All animals entering Idaho may be subject to a post-entry inspection by state or federal animal health officials. (5-3-03)

052. -- 099. (RESERVED)

100. CERTIFICATES OR PERMIT REQUIRED.

Unless otherwise specifically provided in this chapter, all animals transported or moved into the state of Idaho shall be accompanied by: (5-3-03)

01. Certificate of Veterinary Inspection. An official certificate of veterinary inspection; or (5-3-03)

02. Other Approved Certificates. Other certificate approved by the Administrator; and (5-3-03)

03. Permit. A permit issued by the Administrator, if required. (5-3-03)

04. Possession. The certificate, and permit if required, shall be attached to the waybill or be in the possession of the driver of the vehicle at the time of importation. (5-3-03)

101. CONTENTS OF CERTIFICATES.

All certificates shall provide a written, legible record attesting the animal(s) meet the importation requirements of the state of Idaho. The certificate shall be on an official form of the state of origin, if applicable, be approved by its livestock sanitary official and be issued by an accredited veterinarian. An equivalent form of the USDA issued by a federal animal health official is acceptable in lieu of a certificate of veterinary inspection or other approved certificate. All certificates shall contain the following information: (5-3-03)

01. Name and Address. Name and address of the consignor and consignee; and (5-3-03)

02. Origin of Shipment. Including city and state; and (5-3-03)

03. Final Destination of Shipment. Including city and state; and (5-3-03)

04. Description of Animals. An accurate description and identification of each animal if required; and (5-3-03)

05. Purpose of Shipment. The purposes for which the animals were shipped, and method of transportation; and (5-3-03)

06. Health Status. The certificate shall indicate the health status of the animals involved including dates and results of inspection and of tests and vaccinations, if any, required by the state of Idaho; and (5-3-03)

07. Signature. The signature of the accredited veterinarian, or state or federal animal health official, conducting the veterinary inspection. (5-3-03)

08. Mailing Certificate to Idaho. The required copies of certificates of veterinary inspection or other approved certificates shall be mailed, within thirty (30) days of inspection, to the Division of Animal Industries, P.O. Box 7249, Boise, ID 83707. (5-3-03)

09. Period of Certificate Validity. Certificates of veterinary inspection shall be valid for no longer than thirty (30) days after the date of inspection. (5-3-03)

102. EXTENDED VALIDITY EQUINE CERTIFICATES.

Equidae from other states may enter the state of Idaho for shows, rides or other equine events and return to the state of origin on an extended validity equine certificate provided there is a written agreement between the Administrator and the chief livestock sanitary official of the state of origin. (5-3-03)

01. Valid for One Animal. An extended validity equine certificate shall be valid for only one (1) animal. Each animal shall have a separate certificate. (5-3-03)

02. Contents. Extended validity equine certificates shall contain the following information: name and address of the owner, location at which the animal is stabled, housed, pastured or kept, if different from that of the

owner, an accurate description and identification of the animal, date of veterinary inspection, dates and results of EIA or other required tests or vaccinations, EVA statement, if applicable, and signature of inspecting veterinarian. (4-4-13)

03. Period of Validity. Extended validity equine certificates are valid for no longer than six (6) months from date of veterinary inspection for the certificate. (3-30-07)

04. Travel Itinerary. Recipients of extended validity equine certificates shall submit a completed travel itinerary to the Division of Animal Industries within ten (10) working days of the end of the six (6) month period of validity of the certificate. The travel itinerary shall provide a listing of all travel into the state of Idaho, including travel dates, purpose for travel and destinations, during the period of validity of the certificate. (5-3-03)

05. Cancellation. Extended validity equine certificates may be canceled at any time by the Administrator in the event of serious or emergency disease situations or for non-compliance with the provisions of these rules. (5-3-03)

103. NPIP CERTIFICATE.

Poultry imported from NPIP certified flocks may be moved with VS Form 9-3 in lieu of a certificate of veterinary inspection. (5-3-03)

104. IMPORT PERMITS.

Request for permits to import animals, other than sheep and goats, into the state of Idaho shall be directed to the Division of Animal Industries, P.O. Box 7249, Boise, Idaho, 83707; telephone (208) 332-8540. (5-3-03)

01. Telephone Requests. Import permits may be requested by telephone or facsimile during office hours as stated in Section 005. (5-3-03)

02. Contents of a Permit Request. The request for an import permit shall include the following information: (5-3-03)

- a. Name and address of the consignor and consignee; (5-3-03)
- b. Number and kind of animals; (5-3-03)
- c. Origin of shipments; (5-3-03)
- d. Final destination; (5-3-03)
- e. Purpose of shipment; (5-3-03)
- f. Method of shipment; and (5-3-03)
- g. Results of any required tests, inspections or vaccinations. (5-3-03)

03. Timeframe for Requesting a Permit. Permits may be requested no more than seventy-two (72) hours in advance of the shipment of the animals. (5-3-03)

04. Period of Validity. Permits are valid for no longer than fifteen (15) days from the date of issuance unless otherwise specified. (5-3-03)

05. Sheep and Goats. Request for permits for sheep and goats shall be directed to the Idaho Sheep and Goat Health Board, P. O. Box 825, Emmett, ID 83617; telephone (208) 803-5084. (5-3-03)

105. TO WHOM MAY ANIMALS BE CONSIGNED.

Animals transported or moved into the state shall be consigned to a person residing in Idaho or to a person authorized by law to do business in the state of Idaho. (5-3-03)

106. DIVERSION OF ANIMALS AFTER SHIPMENT.

No person consigning, transporting or receiving animals in the state of Idaho shall authorize, order or carry out diversion of such animals to a destination or consignee other than set forth on the certificate of veterinary inspection or permit without notifying the Division of Animal Industries within seventy-two (72) hours of the diversion.

(5-3-03)

107. ANIMALS EXPOSED TO DISEASE OR ORIGINATING IN A QUARANTINED AREA.

No animals affected with or which have been exposed to any infectious, contagious, or communicable disease, or which originate in a quarantined area shall be transported or moved into the state of Idaho unless a permit for such entry is first obtained from the Division of Animal Industries, except such animals in classifications allowed interstate shipment under specified requirements of the USDA may move without permit if in compliance with Title 9, Parts 71, 77, 78, 85, 145, and 147 CFR requirements.

(5-3-03)

108. QUARANTINE IMPOSED IF NO CERTIFICATE OR PERMIT ISSUED.

Animals entering the state of Idaho without a valid certificate of veterinary inspection or other approved certificate, and a permit, if required, shall be held in quarantine at the risk and expense of the owner.

(5-3-03)

01. Duration of Quarantine. Such animals shall remain under quarantine until the quarantine is released by a state or federal animal health official.

(5-3-03)

02. Animals Without a Certificate. The Administrator may order animals that are not in compliance with certificate of veterinary inspection requirements to be slaughtered, removed from the state, or confined to an approved feedlot.

(5-3-03)

03. Hold Order. Quarantines may take the form of a hold order.

(5-3-03)

109. VESICULAR STOMATITIS.

No livestock may enter Idaho from another state if Vesicular Stomatitis has been diagnosed on the premises of origin of the shipment within the last thirty (30) days.

(4-11-15)

01. Certificate of Inspection. Any livestock entering Idaho from a state where Vesicular Stomatitis has been diagnosed within the last thirty (30) days shall be accompanied by a certificate of veterinary inspection with the following statement written by the accredited veterinarian on the certificate: "All animals identified on this certificate of veterinary inspection have been examined and found to be free from Vesicular Stomatitis. During the last thirty (30) days; these animals have neither been exposed to Vesicular Stomatitis nor located within an area where Vesicular Stomatitis has been diagnosed."

(5-3-03)

02. Permit for Entry. Livestock from states in which Vesicular Stomatitis has been diagnosed within the last thirty (30) days shall be accompanied by a permit for entry into Idaho. The permit number shall be written on the certificate of veterinary inspection.

(5-3-03)

110. GENERAL DUTIES OF CARRIER.

All owners and operators of railroads, trucks, airplanes, or other conveyances shall conform to all rules and statutes of the state of Idaho in transporting or moving any animals into, within or through the state of Idaho.

(5-3-03)

01. Duties of Carrier Regarding Certificates of Veterinary Inspection or Permits. All owners and operators of railroads, trucks, airplanes, or other conveyances used in the transportation of animals into or within the state of Idaho shall assure themselves each consignment or shipment is in conformity with the applicable statutes and rules of the state of Idaho, and that each consignment is accompanied by an official certificate of veterinary inspection, when required, or by a permit, or by both, where so required. Such certificate of veterinary inspection or permit, or both, shall be attached to the waybill accompanying the shipment or be in the possession of the attendant in charge of the animals.

(5-3-03)

02. Sanitary Condition of Cars, Trucks and Airplanes. All railroad cars, trucks, airplanes, or other conveyances used in the transportation of animals shall be maintained in a clean and sanitary condition.

(5-3-03)

03. Disinfection of Cars, Trucks and Airplanes. All owners and operators of railroad cars, trucks,

airplanes, or other conveyances which have been used for movement of animals infected with or exposed to any infectious, contagious, or communicable disease shall have such cars, trucks, airplanes or other conveyances thoroughly cleaned and disinfected under official supervision by any accredited veterinarian or state or federal animal health official, at the point of destination or by permit from the sanitary officials, may be moved to some other point for cleaning and disinfecting. (5-3-03)

111. ADDITIONAL IMPORT REQUIREMENTS.

The Administrator may impose additional or more restrictive import requirements than the requirements in this chapter by issuing a written order stating the additional requirements and the reasons for the requirements. (5-3-03)

112. -- 199. (RESERVED)

200. IMPORTATION OF CATTLE INTO IDAHO.

All cattle that enter the state of Idaho shall possess appropriate official individual identification, if required, and be accompanied by a certificate of veterinary inspection or other approved certificate attesting they are free from evidence of any infectious, contagious, or communicable disease, or exposure thereto, and by a permit if required, except: (3-29-17)

01. Approved Slaughter Establishments. Cattle consigned directly to approved slaughter establishments shall be accompanied by a statement of ownership such as a brand certificate or waybill, and a permit, if required; or (5-3-03)

02. Specifically Approved Livestock Market. Cattle consigned directly to specifically approved livestock markets shall be accompanied by a statement of ownership such as a brand certificate or waybill, and a permit, if required; or (5-3-03)

03. Feedlots Approved by the Administrator. Cattle consigned directly to feedlots approved by the Administrator for conducting veterinary inspections upon the arrival of the cattle. (5-3-03)

04. Post-Entry Inspection. All cattle entering Idaho may be subject to a post-entry inspection by state or federal animal health officials. (5-3-03)

201. CATTLE AND BISON IMPORTED FROM CANADA.

All cattle and bison imported into Idaho from Canada, except those imported directly to slaughter, must: (5-8-09)

01. Idaho Requirements. Meet all Idaho import requirements. (5-8-09)

02. USDA Requirements. Meet all USDA import requirements. (5-8-09)

03. Individually Identified. Be individually identified on a certificate of veterinary inspection. (5-8-09)

04. Import Permit. Be accompanied by an import permit issued by the Division. (5-8-09)

202. WHEN PERMITS ARE REQUIRED FOR CATTLE.

01. Dairy. For all intact male and female cattle of dairy breeds not consigned directly to an approved slaughter establishment, or to a specifically approved livestock market. All dairy cattle shall be officially identified as provided in Section 203 of these rules. (3-29-17)

02. Beef Bulls. All bulls of beef breeds not consigned directly to an approved slaughter establishment, or to a specifically approved livestock market, except intact male calves accompanying their dams. (5-3-03)

03. Female Beef Cattle. All intact female cattle of beef breeds not consigned directly to an approved slaughter establishment or to a specifically approved livestock market that are: (5-3-03)

a. From states or areas that are not Brucellosis Class Free; or (5-3-03)

b. Not officially vaccinated pursuant to IDAPA 02.04.20, "Rules Governing Brucellosis," except calves over one hundred twenty (120) days of age accompanying their dam; or (4-11-06)

c. Under one hundred twenty (120) days of age, except calves accompanying their dam. (5-3-03)

04. Restricted Areas. All cattle from areas or states on which Idaho or USDA has imposed restrictions. (5-3-03)

05. Domestic Bison. All domestic bison imported into Idaho shall require an entry permit from the Division of Animal Industries prior to importation and be in compliance with the same requirements as cattle contained in this chapter and Title 9, Parts 71, 77, and 78, CFR. (4-4-13)

06. Canadian Cattle and Canadian Domestic Bison. All cattle and Canadian domestic bison imported into Idaho from Canada, except those imported directly to slaughter, must have an import permit prior to importation. (4-4-13)

07. Other. Cattle of any classification that do not meet other entry requirements. (5-3-03)

203. OFFICIAL IDENTIFICATION OF IMPORTED CATTLE.

01. Beef Cattle. All sexually intact beef breed cattle, eighteen (18) months of age or older, shall possess official individual identification. (3-29-17)

02. Dairy Cattle. All dairy breed cattle, regardless of age, shall possess official individual identification. (3-29-17)

204. -- 209. (RESERVED)

210. BRUCELLOSIS VACCINATION REQUIREMENTS.

All intact female cattle entering Idaho shall have been officially vaccinated for brucellosis except: (5-3-03)

01. Cattle Consigned to Slaughter. Female cattle consigned directly to an approved slaughter establishment; or (5-3-03)

02. Cattle Consigned to Specifically Approved Livestock Markets. Female cattle consigned directly to a specifically approved livestock market; or (5-3-03)

03. Approved Feedlot. Female cattle consigned directly to an Idaho approved feedlot, by permit; or (5-3-03)

04. Calves. Female calves less than one hundred twenty (120) days of age by permit; or (5-3-03)

05. Vaccination on Arrival. Non-vaccinated females between one hundred twenty (120) and three hundred sixty-five (365) days of age may, by permit, be consigned to a qualified destination approved by the Administrator to be officially vaccinated on arrival pursuant to IDAPA 02.04.20, "Rules Governing Brucellosis"; or (4-11-06)

06. Show Cattle. Female cattle may enter Idaho for the purpose of participating in shows or exhibitions, by permit. (5-3-03)

211. BRUCELLOSIS TEST REQUIREMENTS.

01. Class A States or Areas. All test eligible cattle from Class A states or areas shall have been tested negative within thirty (30) days of importation unless consigned to slaughter. (5-3-03)

02. Brucellosis Surveillance or High Risk Areas. Test eligible cattle from brucellosis surveillance

areas or brucellosis high risk areas shall be tested negative to an official brucellosis test within thirty (30) days before importation into Idaho except those cattle consigned directly to an approved slaughter establishment, or a specifically approved livestock market where they shall be tested prior to sale. Such cattle sold to a destination other than an approved slaughter establishment may be held under quarantine for forty-five (45) to one hundred twenty (120) days to allow for additional brucellosis tests. (5-3-03)

212. TEST ELIGIBLE CATTLE.

Test eligible cattle are: (5-3-03)

01. Unvaccinated or Vaccinated with Brucella Abortus Strain RB 51 Vaccine. All intact male and female cattle, eighteen (18) months of age or older, that are not vaccinated against brucellosis with *Brucella abortus* strain 19 vaccine; or (5-3-03)

02. Strain 19 Dairy Vaccinates. Brucellosis strain 19 vaccinated female cattle of dairy breeds that are: (5-3-03)

a. Twenty (20) months of age or older; or (5-3-03)

b. Within two (2) weeks prior to calving or already calved. (5-3-03)

03. Strain 19 Beef Vaccinates. Brucellosis strain 19 vaccinated female cattle of beef breeds that are: (5-3-03)

a. Twenty-four (24) months of age or older; or (5-3-03)

b. Within two (2) weeks prior to calving or already calved. (5-3-03)

04. All Test Eligible Cattle Entering Idaho. All test eligible cattle entering Idaho shall be officially identified on the certificate of veterinary inspection. (5-3-03)

213. -- 219. (RESERVED)

220. GRAZING CATTLE.

Cattle herds moved into Idaho or from Idaho to other states for seasonal grazing periods shall be moved only under special grazing permits issued jointly by the Division of Animal Industries and the chief livestock sanitary official in a state which reciprocates with Idaho in honoring grazing permits. (3-30-07)

01. Grazing Permits. Grazing permits shall be for one (1) specified season only and be issued on a case-by-case basis. (3-20-04)

02. Tests. The Administrator, in cooperation with the appropriate agency of the reciprocating state, shall have the authority to impose tuberculosis, brucellosis, trichomoniasis, or other tests on cattle entering for grazing purposes. This test requirement shall be evaluated on an annual basis by the Administrator and the chief livestock sanitary official of the reciprocating state. (4-2-08)

03. Herd Ownership. Cattle herds permitted to move under the provisions of Section 220 shall be established herds. Change of ownership of the herd shall not be allowed while the herd is under the requirements of the grazing permit, and the cattle shall be moved interstate with such certification, identification and testing requirements as the Administrator may require. (3-20-04)

221. -- 229. (RESERVED)

230. EMERGENCY SITUATIONS.

Cattle may be imported into the state of Idaho in emergency situations under special permit from the Administrator. (5-3-03)

01. Cattle Held Separate. Cattle allowed entrance under this provision shall be held separate and apart

from Idaho cattle and quarantined for a specific time period to a specific area for grazing or feeding purposes. (5-3-03)

02. Cattle Returned to State of Origin. At the end of the quarantine time period the cattle will be returned to the state of origin, but shall meet the state of origin's import requirements prior to departure from Idaho. (5-3-03)

03. Cattle That Remain in Idaho. If an owner desires to leave such cattle in Idaho after the time period has expired, then such cattle shall meet the same health and test requirements as would normally be required of any imported cattle and this shall be done at the owner's expense. (5-3-03)

231. -- 239. (RESERVED)

240. TUBERCULOSIS TEST REQUIREMENTS.
Cattle and domestic bison may enter the state of Idaho provided: (5-3-03)

01. Tuberculosis Accredited Free State or Zone. Cattle and bison that originate from a bovine tuberculosis accredited free state or zone, as defined by USDA in Title 9, Part 77, CFR, in which there are no animals or herds infected with or exposed to tuberculosis may be imported upon meeting the following requirements: (4-11-06)

a. Cattle of beef breeds may enter the state without a tuberculosis test. (4-11-06)

b. All sexually intact male and female cattle, six (6) months of age and older, of dairy breeds, shall be officially identified and tested negative for tuberculosis, within sixty (60) days prior to entry into the state of Idaho except intact male and female cattle of dairy breeds consigned directly to a feedlot approved for finish feeding of cattle for slaughter only relative to tuberculosis may enter by permit without a tuberculosis test provided the cattle have been individually identified on a certificate of veterinary inspection. (4-2-08)

c. All sexually intact male and female cattle, six (6) months of age and older, of dairy breeds, may enter Idaho for the purpose of participating in shows or exhibitions, by permit, without a tuberculosis test. (4-11-06)

02. Tuberculosis Accredited Free Herd. Cattle and bison that originate in an accredited tuberculosis free herd in either an accredited free state or zone, a modified accredited advanced state or zone, or a modified accredited state or zone, as defined by USDA in Title 9, Part 77, CFR, and for which both an accredited herd number and date of last tuberculosis test are shown on the certificate of veterinary inspection, may enter the state without a tuberculosis test. (5-3-03)

03. Tuberculosis Modified Accredited Advanced State or Zone. Cattle and bison that originate from a modified accredited advanced state or zone, as defined by USDA in Title 9, Part 77, CFR, and are not known to be infected with or exposed to tuberculosis, may be imported upon meeting the following requirements: (5-3-03)

a. Steers, spayed heifers, and intact heifers of beef and dairy breeds that are less than fifteen (15) months of age, which are consigned for grazing, or steers, spayed heifers, and intact heifers of beef and dairy breeds that are consigned directly to a feedlot approved for finish feeding of cattle or bison relative to tuberculosis, may enter without individual identification or testing for tuberculosis; and (4-11-15)

b. All other cattle and bison, except those moving on grazing permits issued by the Administrator under the provisions of Section 220 and those consigned directly to slaughter at an approved slaughter establishment, shall be tested for tuberculosis with negative results within sixty (60) days prior to entry into Idaho. (3-29-17)

c. Tuberculosis testing requirements in Subsection 240.03 may be waived, with administrator approval, for feeder animals of beef breeds and bison originating from a modified accredited advanced state or zone previously classified as accredited free if the state of origin has had no laboratory confirmed case or other epidemiological evidence of tuberculosis in the previous twelve (12) months and the herd of origin is not under hold order, quarantine, or epidemiological investigation for tuberculosis. (4-7-11)

04. Tuberculosis Modified Accredited State or Zone. Cattle and bison that originate in a modified accredited state or zone, as defined by USDA in Title 9, Part 77, CFR, and which are not known to be infected with or exposed to tuberculosis, may enter Idaho under one (1) of the following conditions: (5-3-03)

a. The cattle and bison are steers, spayed heifers or intact heifers which are consigned directly to a feedlot approved for finish feeding of cattle and bison relative to tuberculosis and that have been individually identified and classified negative on an official tuberculosis test within sixty (60) days prior to entry into Idaho; or (5-3-03)

b. The cattle and bison are consigned directly to slaughter at an approved slaughter establishment; or (3-29-17)

c. The cattle and bison have been subjected to two (2) official tuberculosis tests, the results of which are negative, the first test shall be a whole herd test, the second test shall be at least sixty (60) days, and no more than six (6) months, after the whole herd test and shall be not more than sixty (60) days prior to entry into Idaho. (5-3-03)

05. Tuberculosis Accredited Preparatory State or Zone. Cattle and bison that originate in an accredited preparatory state or zone, as defined by USDA in Title 9, Part 77, CFR, and which are not known to be infected with or exposed to tuberculosis, may enter Idaho under one (1) of the following conditions: (5-3-03)

a. The cattle and bison are steers, spayed heifers or intact heifers which are consigned directly to a feedlot approved for finish feeding of cattle and bison relative to tuberculosis and that are individually identified and have been classified negative on two (2) official tuberculosis tests conducted at least sixty (60) days, but not more than six (6) months apart, with the second test being conducted not more than sixty (60) days prior to entry into Idaho; or (5-3-03)

b. The cattle and bison originate in a tuberculosis accredited free herd, are individually identified, and have been tested negative on an official tuberculosis test within sixty (60) days prior to entry into Idaho; or (5-3-03)

c. The cattle and bison are individually identified, are from a herd that has been subjected to a complete tuberculosis herd test with negative results within the past twelve (12) months and the animals being imported have been subjected to two (2) additional official tuberculosis tests with negative results, conducted not less than sixty (60) days apart with the second test being conducted not more than sixty (60) days prior to the date of importation. (5-3-03)

06. Tuberculosis Non-Accredited State or Zone. Cattle and bison that originate in a non-accredited state or zone, as defined by USDA in Title 9, Part 77, CFR, may not enter Idaho except by special permit issued by the administrator and under the conditions specified by the administrator at the time the permit is issued. (5-3-03)

07. Rodeo Stock. All cattle six (6) months of age or older imported into Idaho for rodeo or timed events must have been tested negative for bovine tuberculosis within twelve (12) months prior to importation into Idaho. (4-7-11)

241. -- 249. (RESERVED)

250. SCABIES.

All cattle not known to be infected with Scabies consigned to Idaho from any state or area designated as a Scabies quarantined area are to be accompanied by a certificate of veterinary inspection from the state of origin indicating that such animals have been treated with an approved scabicide. Such cattle shall be accompanied by an entry permit from the Division of Animal Industries. The only exceptions to the above requirements are as follows: (5-3-03)

01. Treatment After Arrival. Cattle may be moved, by permit from the Division of Animal Industries, to an Idaho location for treatment for Scabies within twenty-four (24) hours after arrival. Such cattle shall not be mixed or allowed to intermingle with resident cattle prior to official treatment. (5-3-03)

02. Direct to Slaughter. Cattle may be shipped without permit directly to an approved slaughter establishment. (5-3-03)

03. Inspection. Female cattle of dairy breeds over eighteen (18) months of age may be shipped into Idaho by permit, without treatment for Scabies, provided a hands-on inspection by an accredited veterinarian, or a state or federal animal health official, is conducted to ascertain that the cattle are not infected. (5-3-03)

251. -- 259. (RESERVED)

260. TRICHOMONIASIS.

The Certificate of Veterinary Inspection for bulls imported into Idaho shall contain a statement certifying that trichomoniasis is not known to exist in the herd of origin, and: (5-3-03)

01. Virgin Bulls Less Than Eighteen Months of Age. The virgin bull(s) are less than eighteen (18) months of age and have not serviced a cow; or (3-25-16)

02. Tested Bulls. The bull(s) have been tested by culture or PCR for trichomoniasis within sixty (60) days of shipment, were negative to the test, and have not been exposed to female cattle since the test sample was collected. (3-25-16)

03. Exceptions. Exceptions to certification and testing: (5-3-03)

a. Bulls consigned directly to slaughter at an approved slaughter establishment; or (5-3-03)

b. Bulls consigned directly to an approved feedlot; or (5-3-03)

c. Bulls consigned directly to a specifically approved livestock market; or (5-3-03)

d. Rodeo bulls imported by an Idaho based rodeo producer, with an approved rodeo bull lot as described in IDAPA 02.04.29, "Rules Governing Trichomoniasis," Section 400 or rodeo bulls imported to perform at specific rodeos in Idaho. (4-7-11)

e. Bulls imported for exhibition at livestock shows, provided the bull will be returned to its state of origin, will not be exposed to female cattle, and will not be offered for sale. (4-7-11)

261. -- 299. (RESERVED)

300. EQUIDAE.

All horses, mules, asses and other equidae that are to be transported or moved into the state of Idaho shall be accompanied by an official certificate of veterinary inspection or extended validity equine certificate, from the state of origin, stating that the equidae are free from evidence of any communicable disease and have completed EIA test requirements, except as provided in this section. (4-4-13)

01. EIA Test Requirements. An official EIA test is a blood test conducted by a USDA approved laboratory, within twelve (12) months prior of entry of the equidae into Idaho. (3-30-07)

a. Entry of equidae into Idaho shall not be allowed until the EIA test has been completed and reported negative. Equidae which test positive to the EIA test shall not be permitted entry into Idaho, except by special written permission from the Administrator. (5-3-03)

b. A nursing foal less than six (6) months of age accompanied by its EIA negative dam is exempt from the test requirements. (5-3-03)

02. Working Horses Included on Grazing Permits. "Working horses" used for seasonal ranching purposes may be exempt from the requirements of this section if the horses have been included on a current grazing permit which has received prior approval from the Administrator and the chief livestock sanitary official in a western state which reciprocates with Idaho in honoring grazing permits. (5-3-03)

03. Approved Equine Feedlot. Equids imported to be fed for slaughter in an equine feedlot approved

by the Administrator may be exempt from EIA test requirements provided: (3-29-17)

- a. Horses qualified into the approved facility must be sent directly to slaughter within sixty (60) days; (3-29-17)
- b. A distance of no less than two hundred (200) yards is maintained at all times between designated slaughter horses and all other equids; (3-29-17)
- c. Feedlot owners maintain complete and accurate records of the disposition of all equids qualified into the approved equine feedlot; and (3-29-17)
- d. Feedlot owners annually apply for renewal of approved feedlot status prior to expiration on December 31st of each calendar year. (3-29-17)

04. Reciprocal Agreements. The Administrator may enter into cooperative reciprocal agreements with neighboring states which exempt EIA testing requirements for movement of equidae between the cooperating states. (5-3-03)

301. EQUINE VIRAL ARTERITIS.

Intact male equidae twelve (12) months of age and older may enter Idaho when accompanied by an official interstate certificate of veterinary inspection or extended validity equine certificate from the state of origin, and one (1) of the following statements on the certificate: (5-8-09)

01. Vaccinated for EVA. A copy of the animal's official EVA Test and Vaccination Certificate from a USDA approved lab, signed by an accredited veterinarian, is attached to the official interstate certificate of veterinary inspection. (5-8-09)

02. Seropositive Carrier of EVA. The EVA test date is listed on the interstate certificate of veterinary inspection. (5-8-09)

03. Seropositive Non-Shedder of EVA. A copy of the stallion's negative semen EVA virus isolation test result conducted in a USDA approved lab is attached to the official interstate certificate of veterinary inspection. (5-8-09)

04. Unknown EVA Status. Each stallion listed on the health certificate must have the EVA status statement recorded adjacent to the stallion's name or official identification. (5-8-09)

302. IMPORTATION OF EQUINE SEMEN.

Equine semen may be imported into Idaho if one (1) of the following statements from the stallion's owner, agent, or veterinarian concerning the EVA status of the donor is included with the shipment: (5-8-09)

01. Stallion is Vaccinated for EVA. A copy of the stallion's official EVA Test and Vaccination Certificate from a USDA approved lab, signed by an accredited veterinarian, is included with the statement of EVA status for each semen shipment. (5-8-09)

02. Stallion is EVA Carrier. The EVA test date is listed on the statement of EVA status for each semen shipment. (5-8-09)

03. Stallion is Seropositive Non-Shedder of EVA. A copy of the stallion's negative semen EVA virus isolation test result conducted in a USDA approved lab is included with the statement of EVA status for each semen shipment. (5-8-09)

04. Stallion EVA Status is Unknown. Each shipment of equine semen must include a statement of EVA status of the donor stallion. (5-8-09)

303. -- 399. (RESERVED)

400. IMPORTATION OF SWINE.

Swine may enter the state of Idaho provided, they are individually identified by official ear tags or other approved techniques indicating the state and herd of origin, a permit has been issued for their entry by the Division of Animal Industries, and they are accompanied by a certificate of veterinary inspection attesting to the following: (3-30-07)

01. Animals Inspected. All swine have been inspected within thirty (30) days prior to the date of shipment, and that they are free from evidence of all infectious, contagious, or communicable diseases, or known exposure thereto during the preceding sixty (60) days; and (5-3-03)

02. Vaccination. The swine have not been vaccinated with any pseudorabies vaccine; and (5-3-03)

03. Garbage. The swine have not been fed raw garbage. (5-3-03)

04. Slaughter Swine Exceptions. Swine directly to slaughter that are apparently healthy may enter the state of Idaho without a certificate of veterinary inspection, provided the applicable permit requirements are met and the swine are consigned directly to an approved slaughter establishment, or to a specifically approved livestock market for sale to an approved slaughter establishment. (3-29-17)

401. BRUCELLOSIS REQUIREMENTS.

Breeding swine shall be tested negative for brucellosis at a dilution of one to twenty-five (1:25) on the standard tube test within thirty (30) days prior to entry or negative to Official Card Test, within thirty (30) days prior to entry, or originate from a validated brucellosis free herd or validated brucellosis free state. (5-3-03)

402. PSEUDORABIES REQUIREMENTS.

01. Breeding Swine. Breeding swine may be shipped directly from: (5-3-03)

a. A farm of origin or a specifically approved livestock market in a Stage IV or V state/area without Pseudorabies testing; or (5-3-03)

b. A qualified Pseudorabies-negative herd with a negative official Pseudorabies test within thirty (30) days prior to entry into Idaho; or (5-3-03)

c. A farm of origin or a specifically approved livestock market in any other state or area with a negative official Pseudorabies test within thirty (30) days prior to entry and such swine must be quarantined in isolation at destination and retested thirty (30) to sixty (60) days following importation. (5-3-03)

02. Feeder Pigs. Feeder pigs may be shipped directly from: (5-3-03)

a. A farm of origin or a specifically approved livestock market in a Stage IV or V state/area, or be shipped directly from a qualified Pseudorabies-negative herd without a Pseudorabies test; or (5-3-03)

b. A farm of origin or a specifically approved livestock market in any other state or area with a negative official Pseudorabies test within thirty (30) days prior to entry. Such swine must be quarantined in isolation at destination and retested thirty (30) to sixty (60) days following importation. (5-3-03)

03. Slaughter Swine. Slaughter swine that are known to be exposed to Pseudorabies may be shipped directly to an approved slaughter establishment by permit. Slaughter swine, which are not known to be infected or exposed, may be imported from a state/area with a program status up to and including Stage III, for movement directly to an approved slaughter establishment, with a permit. Slaughter swine from Stage IV or V state/area, which are not known to be infected or exposed, may be imported directly to approved slaughter establishments or to specifically approved livestock markets for sale to approved slaughter establishments, without a permit. (5-3-03)

403. -- 499. (RESERVED)

500. DOGS AND CATS.

01. Dogs. All dogs imported into the state of Idaho shall be accompanied by an official certificate of veterinary inspection attesting that such dogs are apparently free from any infectious, contagious or communicable disease, and have been officially vaccinated for rabies in accordance with the current recommendations of the National Association of State Public Health Veterinarian's Compendium of Animal Rabies Prevention and Control. Dogs three (3) months of age or older originating from a rabies quarantined area must have a permit from the Division of Animal Industries prior to importation. (4-2-08)

02. Cats. All cats imported into the state of Idaho shall be accompanied by an official certificate of veterinary inspection attesting that such cats are apparently free from any infectious, contagious or communicable disease. Cats three (3) months of age or older shall have been vaccinated for rabies according to the recommendations of the current National Association of State Public Health Veterinarian's Compendium on Animal Rabies Prevention and Control. (4-2-08)

03. Permits Required. The Administrator may require any dog or cat, from an area that has been determined to pose a significant threat of disease, to have an import permit prior to movement into Idaho. (5-3-03)

501. -- 599. (RESERVED)

600. IMPORTATION OF DOMESTIC CERVIDAE.
Domestic cervidae may enter the state of Idaho, by permit, provided: (5-3-03)

01. Certificate of Veterinary Inspection. The cervidae are accompanied by a certificate of veterinary inspection certifying that they have been inspected within thirty (30) days prior to the date of shipment, that they are free from evidence of infectious, contagious, or communicable diseases, or known exposure thereto during the preceding sixty (60) days; and (5-3-03)

02. Meet Testing Requirements. The cervidae shall meet the testing requirements of Section 601. (5-3-03)

03. National CWD Herd Certification Program Participation. All cervidae must originate from a herd that is in good standing and actively participating in the National CWD Herd Certification Program. (3-20-14)

04. Deworming Requirement. All cervidae, except those consigned directly to slaughter at an approved slaughter establishment, are required to receive anthelmintic, approved for treatment of *P. tenuis*, within thirty (30) days prior to import into Idaho. Treatment must be documented on the certificate of veterinary inspection. (3-29-17)

05. *P. tenuis* Statement. The certificate of veterinary inspection accompanying the cervidae shipment must contain the following written statement from the accredited veterinarian on the certificate: "No cervids identified on this certificate of veterinary inspection have displayed symptoms consistent with *P. tenuis* infection. These cervids have neither been exposed to *P. tenuis* or originated from a premises where *P. tenuis* has been identified." (4-11-15)

601. TESTING REQUIREMENTS.
All cervidae imported into Idaho shall meet the following test requirements: (3-29-17)

01. Brucellosis. Animals six (6) months of age and older shall be negative to at least two (2) different official brucellosis tests from a single blood sample, one (1) of which shall be the BAPA/BPAT and the other shall be the FPA, within thirty (30) days prior to entry, or the animals shall originate directly from a Brucellosis certified free herd or a brucellosis class free state for cervidae. (3-29-17)

02. Red Deer Genetic Factor. Elk shall have either tested negative for red deer genetic factor (RDGF) by a laboratory approved by the Division of Animal Industries, or shall have been registered with NAEBA or the Canadian Food Inspection Agency, or a state with an ISDA approved RDGF prevention program. (4-4-13)

03. Tuberculosis. Cervid imports shall comply with all provisions of the "Uniform Methods and Rules – Bovine Tuberculosis Eradication" and Title 9, Part 77 CFR, which is incorporated by reference in Subsection

004.05 of this Chapter. (3-29-17)

04. Exceptions. Domestic cervids consigned directly to slaughter at an approved slaughter establishment. (3-29-17)

602. INDIVIDUAL IDENTIFICATION.

Each cervid animal imported shall be individually identified in accordance with the National CWD Herd Certification Program requirements, with two (2) forms of official identification for each animal according to IDAPA 02.04.19, "Rules Governing Domestic Cervidae." (3-20-14)

603. DESTINATION.

Imported domestic cervidae shall be delivered only to approved slaughter establishments, or domestic cervidae ranches, which are in compliance with the domestic cervidae rules. (4-2-08)

604. IMPORT PERMIT.

Domestic cervidae imported into Idaho shall require a permit issued by the Division of Animal Industries. (5-3-03)

605. MENINGEAL WORM.

Importation of domestic cervidae known to be infected with *P. tenuis* is prohibited. (4-11-15)

606. MOVEMENT OF CERVIDAE BETWEEN AZA AND USDA FACILITIES.

Movement of cervidae between facilities that are either AZA accredited or hold a USDA exhibitor permit are exempt from the tuberculosis testing requirements of this rule. All other movement to or from facilities that are not AZA-accredited or hold a USDA exhibitor permit shall comply with the tuberculosis testing requirements. (4-4-13)

607. FROM CERTIFIED CWD FREE HERD.

All elk imported into Idaho shall originate from a herd that has been enrolled in a CWD monitoring program for at least sixty (60) months and which has been determined to have certified CWD free cervid herd status by the animal health official of the state of origin. (5-3-03)

01. Records. In order to qualify for CWD free status, the records and causes of death for the past five (5) years in the herd shall be made available to the state animal health official of the state of origin, and the Division of Animal Industries upon request. (5-3-03)

02. Exceptions. The Administrator, after conducting an evaluation, may grant exceptions to the provisions of this Section on a case-by-case basis. (5-3-03)

608. -- 649. (RESERVED)

650. FISH.

No person shall import, transport, receive or otherwise bring into the State of Idaho any live fish or viable hatching eggs that are listed as Deleterious Exotic Animals in IDAPA 02.04.27 "Rules Governing Deleterious Exotic Animals," or Invasive Species as listed in IDAPA 02.06.09, "Rules Governing Invasive Species." (4-4-13)

651. -- 659. (RESERVED)

660. CERTIFICATE AND PERMIT.

In addition to any permits or certifications required by the Idaho Department of Fish and Game, all live fish and viable hatching eggs imported into Idaho must be accompanied by an import permit issued by the Administrator; and (5-8-09)

01. A Certificate of Veterinary Inspection Issued in the State of Origin; or (5-8-09)

02. Title 50 Certification; or (5-8-09)

03. American Fisheries Society Certified Fish Health Inspector's Certification. (5-8-09)

661. ORIGIN OF FISH.

All shipments of live fish and viable hatching eggs imported into Idaho must be accompanied by an invoice or bill of lading that clearly describes the origin(s), species, inventory, lot number, and destination of all fish in the shipment. (4-2-08)

662. -- 669. (RESERVED)

670. VHSV POSITIVE AREAS.

No fish or viable hatching eggs from any VHSV positive area shall be imported into Idaho unless the shipment has been authorized and is accompanied by a permit issued by the director of the Idaho Department of Fish and Game. (4-2-08)

671. -- 699. (RESERVED)

700. AVIAN SPECIES.

All birds imported into Idaho shall have either a certificate of veterinary inspection or other approved certificate. (5-3-03)

701. POULTRY.

All poultry imported into the state of Idaho shall either: (5-3-03)

01. Originate from NPIP Flock. Originate from a certified NPIP flock and have a valid VS Form 9-3 accompanying the shipment; or (5-3-03)

02. Salmonella Test. Every bird in the shipment shall be tested negative for *Salmonella pullorum-typhoid*, *Salmonella enteritidis*, *Mycoplasma synoviae*, and *Mycoplasma gallisepticum* within the past thirty (30) days and have a valid certificate of veterinary inspection accompany the shipment. Test results shall be recorded on the certificate of veterinary inspection. (5-3-03)

702. POULTRY HATCHING EGGS.

All poultry hatching eggs being imported into Idaho shall: (5-3-03)

01. NPIP Flock. Originate from a certified NPIP flock and have a valid VS Form 9-3 accompanying the shipment; or (5-3-03)

02. Negative Birds. Come from birds that have been tested negative to *Salmonella pullorum-typhoid*, *Salmonella enteritidis* and *Mycoplasma synoviae* within the past thirty (30) days prior to shipment and the test results for the parent birds shall be recorded on a valid certificate of veterinary inspection issued within the last thirty (30) days, which shall accompany the egg shipment. (5-3-03)

703. RATITES.

Ratites imported in the state of Idaho shall: (5-3-03)

01. Originate from NPIP Flock. Originate from a certified NPIP flock and have a valid VS Form 9-3 accompanying the shipment, and an accompanying statement signed by the owner that contains one (1) of the following statement(s): (5-3-03)

a. "These birds have been inspected and are visibly free of external parasites"; or (5-3-03)

b. "These birds have been treated for external parasites prior to shipment." (5-3-03)

02. Not Originating From a NPIP Flock. Ratites originating from a non-NPIP flock shall be tested negative for *Salmonella pullorum-typhoid* and *Salmonella enteritidis* within the past thirty (30) days prior to shipment, and the test results shall be recorded on a valid certificate of veterinary inspection issued within the last thirty (30) days, which shall accompany the shipment. The certificate of veterinary inspection shall contain one (1) of the following statement(s): (5-3-03)

- a. “These birds have been inspected and are visibly free of external parasites”; or (5-3-03)
- b. “These birds have been treated for external parasites prior to shipment”; and (5-3-03)

704. RATITE HATCHING EGGS.

All ratite hatching eggs imported into the state of Idaho shall: (5-3-03)

01. NPIP Flock. Originate from a certified NPIP ratite flock and have a valid VS Form 9-3 accompanying the shipment; or (5-3-03)

02. Negative Birds. Come from birds that have been tested negative to *Salmonella pullorum-typhoid* and *Salmonella enteritidis* within the past thirty (30) days prior to shipment and the test results for the parent birds shall be recorded on a valid certificate of veterinary inspection issued within the last thirty (30) days, which shall accompany the egg shipment. (5-3-03)

705. WATERFOWL.

Waterfowl imported into the state of Idaho shall be tested negative for *Salmonella pullorum-typhoid*, *Salmonella enteritidis*, *Mycoplasma synoviae*, and *Mycoplasma gallisepticum* within the past thirty (30) days and have a valid certificate of veterinary inspection accompanying the shipment. Test results shall be recorded on the certificate of veterinary inspection. (5-3-03)

706. WILDFOWL HATCHING EGGS.

All wildfowl hatching eggs imported into the state of Idaho shall come from birds that have been tested negative for *Salmonella pullorum-typhoid*, *Salmonella enteritidis*, *Mycoplasma synoviae*, and *Mycoplasma gallisepticum* within the past thirty (30) days prior to shipment and the test results for the parent birds shall be recorded on a valid certificate of veterinary inspection issued within the last thirty (30) days, which shall accompany the egg shipment. (5-3-03)

707. PSITTACINE BIRDS.

Parakeets and other psittacine birds that will not be commercially exchanged in any manner may enter the state of Idaho with a certificate of veterinary inspection. Parakeets and other psittacine birds that are being imported for the purposes of commercial sale or exchange shall have both a permit and a certificate of veterinary inspection. (5-3-03)

708. -- 709. (RESERVED)

710. DOMESTIC FUR-BEARING ANIMALS.

All domestic fur bearing animals which are transported or moved into the state of Idaho are required to have a certificate of veterinary inspection from the state of origin and an import permit from the Division of Animal Industries. (3-30-07)

01. Certificate and Permit. The certificate and permit shall accompany the shipment of the animals. (3-30-07)

02. Mink. All mink imported into the state of Idaho shall be tested negative for Aleutian Disease using the counter-electrophoresis (CEP) test, within thirty (30) days prior to import. Negative test results shall be recorded on the certificate of veterinary inspection. (3-30-07)

03. Other Tests. The Administrator may approve tests other than CEP for Aleutian Disease testing. (4-2-08)

711. -- 719. (RESERVED)

720. WILDLIFE AND EXOTIC ANIMALS.

All native and non-native wildlife, and all exotic animals imported into Idaho: (5-3-03)

01. Deleterious Exotic Animals. No person shall import deleterious exotic animals into the state of Idaho except as provided in IDAPA 02.04.27, “Rules Governing Deleterious Exotic Animals.” (3-20-04)

02. Wildlife and Exotic Animals, Except Deleterious Exotic Animals. Wildlife and exotic animals, except deleterious exotic animals, and all matters pertaining to any restrictions governing their movement into the state of Idaho, are under the authority of the Idaho Department of Fish and Game. (3-20-04)

03. Certificate and Permit. In addition to any requirements of the Idaho Department of Fish and Game, wildlife and exotic animals are required to have a certificate of veterinary inspection from the state of origin and an import permit from the Division of Animal Industries. (3-20-04)

04. Additional Requirements. The Administrator may impose test and certification requirements, for diseases of concern, on any native or non-native wildlife, or exotic animals imported into Idaho. (5-3-03)

721. -- 799. (RESERVED)

800. BIOLOGICS.

01. USDA License. Serum, vaccines, bacterins and biological remedies of all kinds used as diagnostic agents or used in the treatment of diseases of animals shall not be sold, distributed or used within the state of Idaho or imported into the state for sale, distribution or use unless such serum, vaccines, bacterins and biological remedies have been produced under a license issued by USDA/AHPIS/VS. (5-8-09)

02. Shipping Virulent Blood or Living Virus. All manufacturers, dealers and distributors of biological products are hereby prohibited from shipping any virulent blood or living virus or bacteria (*Brucella abortus* vaccine) of any disease affecting animals into the state of Idaho except with the written permission of the Administrator, and no living virus for use in animals or poultry shall be distributed or used within the state of Idaho unless approved by the Administrator in writing. (5-3-03)

03. Labels. No permit under Subsections 800.01 and 800.02 of this rule shall be issued unless the product is contained in vessels bearing labels approved by the Division of Animal Industries, properly identifying the product by proper name and description, bearing adequate directions for the use of the product, and bearing no statement, design, or device that may deceive the purchaser, or that is false or misleading in any particular. (5-3-03)

801. -- 899. (RESERVED)

900. VIOLATION OF RULES.

In addition to any other civil, criminal, or administrative action, the Administrator may require any animals imported into Idaho in violation of these rules to be placed under strict quarantine and consigned to immediate slaughter, removed from the state or to an approved feedlot within fifteen (15) days, or such shipment shall be returned to the point of origin by the importer. (5-3-03)

901. -- 999. (RESERVED)

**IDAPA 02
TITLE 04
CHAPTER 25**

02.04.25 – RULES GOVERNING PRIVATE FEEDING OF BIG GAME ANIMALS

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 25-207A(1), Chapter 2, Idaho Code. (4-6-05)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.04.25, “Rules Governing Private Feeding of Big Game Animals.” (4-6-05)

02. Scope. These rules govern the private feeding of big game animals in areas of the state of Idaho that have been designated for regulation. (4-6-05)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (4-6-05)

003. ADMINISTRATIVE APPEAL.

Persons may be entitled to appeal agency actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (4-6-05)

004. INCORPORATION BY REFERENCE.

This chapter does not incorporate any documents by reference. (4-6-05)

005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS.

The Idaho State Department of Agriculture central office is located at 2270 Old Penitentiary Road, Boise, ID 83712-8298. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is PO Box 7249, Boise, Idaho 83707. The phone number is (208) 332-8500 and the fax number is (208) 334-2170. The Department web address is <https://agri.idaho.gov/>. (4-6-05)

006. IDAHO PUBLIC RECORDS ACT.

These rules are public records available for inspection and copying at the Central Office of the Idaho State Department of Agriculture. (4-6-05)

007. -- 009. (RESERVED)

010. DEFINITIONS.

The following definitions apply in the interpretation and enforcement of this chapter. (4-6-05)

01. Big Game Animals. All wild cervidae. (4-6-05)

02. Brucellosis. An infectious disease of animals and humans caused by bacteria of the genus *Brucella*. (4-6-05)

03. Cattle. All bovidae, including domestic bison. (4-6-05)

04. Domestic Bison. All animals in the genus *Bison* that are owned by a person. (4-6-05)

05. Domestic Cervidae. Elk, fallow deer and reindeer that are owned by a person. (4-6-05)

06. Emergency Feeding. Feeding of big game animals authorized by IDFG pursuant to IDAPA 13.01.18 “Rules Governing Emergency Feeding of Antelope, Elk, and Deer of the Idaho Fish and Game Commission,” and IDFG written policies. (4-6-05)

07. Federal Animal Health Official. An employee of the United States Department of Agriculture,

Animal Plant Health Inspection Service, Veterinary Services who is authorized to perform animal health activities. (4-6-05)

- 08. Livestock.** Cattle, domestic cervidae, domestic bison, sheep, goats, camelids, and horses. (4-6-05)
- 09. Operator.** The person who has authority to manage or direct a premises or other area where livestock are fed, feed is stored, or the private feeding of big game animals may occur. (4-6-05)
- 10. Owner.** The person who owns or has financial control of livestock, premises or other areas where livestock are fed, where feed is stored, or where the private feeding of big game animals may occur. (4-6-05)
- 11. Premises.** The ground, area, buildings, corrals, and equipment utilized to keep, hold, or maintain animals. (4-6-05)
- 12. State Animal Health Official.** The Administrator, or his designee, responsible for disease control and eradication activities. (4-6-05)
- 13. Supplemental Feed.** Harvested hay, grain, baled straw, or pellet rations. (4-6-05)
- 14. Wild Cervidae.** All cervidae that are not owned by a person. (4-6-05)

011. ABBREVIATIONS.

- 01. IDFG.** Idaho Department of Fish and Game. (4-6-05)
- 02. ISDA.** Idaho State Department of Agriculture. (4-6-05)

012. -- 019. (RESERVED)

020. APPLICABILITY.

In order to prevent the spread of brucellosis and other diseases between big game animals and from big game animals to livestock, these rules apply to all persons who purposely or knowingly provide supplemental feed to big game animals within the area designated in Section 100 of these rules, except supplemental feeding activities conducted by, or emergency feeding activities authorized by IDFG. (4-6-05)

021. -- 099. (RESERVED)

100. EASTERN IDAHO BIG GAME PRIVATE FEEDING PROHIBITION ZONE.

In order to prevent the spread of brucellosis and other diseases between big game animals and from big game animals to livestock, the following portion of Idaho is designated as the eastern Idaho big game private feeding prohibition zone: (4-6-05)

- 01. Clark County.** All of Clark County east of Interstate Highway 15. (4-6-05)
- 02. Fremont County.** All of Fremont County. (4-6-05)
- 03. Teton County.** All of Teton County. (4-6-05)
- 04. Madison County.** All of Madison County. (4-6-05)
- 05. Jefferson County.** All of Jefferson County east of Interstate Highway 15. (4-6-05)
- 06. Bonneville County.** All of Bonneville County east of Interstate Highway 15. (4-6-05)
- 07. Caribou County.** All of Caribou County. (4-6-05)
- 08. Bear Lake County.** All of Bear Lake County. (4-6-05)

101. PRIVATE FEEDING OF BIG GAME ANIMALS PROHIBITED.

No person shall purposely or knowingly provide supplemental feed to big game animals within the eastern Idaho big game private feeding prohibition zone, except supplemental feeding activities conducted by, or emergency feeding activities authorized by IDFG. (4-6-05)

102. INCIDENTAL GRAZING.

Incidental grazing by big game animals on private rangeland forage, standing agricultural crops, or agricultural crop residue left on the ground following typical harvest practices shall not be considered providing supplemental feed. (4-6-05)

103. -- 119. (RESERVED)

120. INCIDENTAL FEEDING.

Incidental feeding of big game animals during the normal practice of providing feed to livestock in the winter is not a violation of this chapter, provided the owner and operator of the premises where the livestock are being fed cooperate with the ISDA, as determined by the Administrator, to facilitate conducting big game management activities that will eliminate the feeding of big game animals. (4-6-05)

121. SPATIAL SEPARATION.

When requested by the Administrator, IDFG shall cooperate with ISDA in maintaining spatial separation of livestock and big game animals. (4-6-05)

122. -- 149. (RESERVED)

150. MANAGEMENT ACTIVITIES.

When requested by the Administrator, IDFG shall assist in conducting big game management activities, which include but are not limited to: (4-6-05)

- 01. Trapping.** Trapping big game animals. (4-6-05)
- 02. Testing.** Testing big game animals for diseases. (4-6-05)
- 03. Moving Animals.** Transferring big game animals to areas where there is suitable winter habitat. (4-6-05)
- 04. Hazing.** Hazing or dispersing big game animals. (4-6-05)
- 05. Supplemental Feed.** Making supplemental feed unavailable or unpalatable to big game animals. (4-6-05)
- 06. Fencing.** Providing fencing materials to facilitate the separation of cattle and big game animals. (4-6-05)

151. ENTERING PREMISES.

State and federal animal health officials are authorized to enter premises during normal business hours, within the eastern Idaho big game private feeding prohibition zone where big game animals are being provided with supplemental feed or there is feedline contact between livestock and big game animals, to conduct big game management activities. (4-6-05)

01. Notification. ISDA will make reasonable efforts to notify the owner or operator of any premises prior to entry for the purpose of conducting big game management activities. (4-6-05)

02. Cooperation. The owner or operator of a premises shall cooperate with ISDA in developing plans for conducting big game management activities. (4-6-05)

152. -- 999. (RESERVED)

**IDAPA 02
TITLE 04
CHAPTER 27**

02.04.27 – RULES GOVERNING DELETERIOUS EXOTIC ANIMALS

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 25-3903, Idaho Code. (3-20-04)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.04.27, “Rules Governing Deleterious Exotic Animals.” (3-20-04)

02. Scope. These rules govern the designation, importation, and possession of deleterious exotic animals. (3-20-04)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (3-20-04)

003. ADMINISTRATIVE APPEAL.

Persons may be entitled to appeal agency actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (3-20-04)

004. INCORPORATION BY REFERENCE.

01. Code of Federal Regulations. Title 9, Parts 1, 2, 3, 4, and 161, CFR, January 1, 2005, which can be viewed online at http://www.access.gpo.gov/nara/cfr/waisidx_05/9cfrv1_05.html. (5-8-09)

02. Association of Zoos and Aquariums Minimum Husbandry Guidelines for Mammals. Issued November 14, 1997, which can be accessed online at <http://www.aza.org/>. (5-8-09)

03. Availability of Documents. Copies of these documents may be obtained from the Idaho State Department of Agriculture Central Office. (3-20-04)

005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS.

The Idaho State Department of Agriculture central office is located at 2270 Old Penitentiary Road, Boise, ID 83712-8298. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is PO Box 7249, Boise, Idaho 83707. The phone number is (208) 332-8500 and the fax number is (208) 334-2170. The Department web address is <https://agri.idaho.gov/>. (6-30-19)T

006. IDAHO PUBLIC RECORDS ACT.

These rules are public records available for inspection and copying at the Central Office of the Idaho State Department of Agriculture. (3-20-04)

007. -- 009. (RESERVED)

010. DEFINITIONS.

The following definitions apply to the interpretation and enforcement of this chapter. (5-8-09)

01. Accredited Veterinarian. A veterinarian approved by the Administrator and the USDA/APHIS/VS, in accordance with provisions of Title 9, Part 161, Code of Federal Regulations, to perform functions of State-Federal animal disease control programs. (3-20-04)

02. Animal. Any member of the animal kingdom, except man. (3-20-04)

03. Deleterious Exotic Animal. Any live animal, or hybrid thereof, that is not native to the state of Idaho and is determined by the Administrator to be dangerous to the environment, livestock, agriculture, or wildlife

of the state. (4-11-06)

04. Facility. A location, including buildings, cages, corrals, pens, ponds, raceways, tanks, adjacent land, or other areas, where deleterious exotic animals are possessed. (5-8-09)

05. Federal Animal Health Official. An employee of the United States Department of Agriculture, Animal Plant Health Inspection Service, Veterinary Services who is authorized to perform animal health activities. (3-20-04)

06. Livestock. Cattle, domestic bison, swine, horses, mules, asses, domestic cervidae, sheep, goats, camelids, and ratites. (3-20-04)

07. Operator. The person who has authority to manage or direct a facility or other area where animals are kept. (5-8-09)

08. Person. Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, or any legal entity, which is recognized by law as the subject of rights and duties. (3-20-04)

09. Possess. To confine, control, keep, have, hold, house, or own for any period of time. (5-8-09)

10. State Animal Health Official. The Administrator, or his designee, responsible for disease control and eradication activities. (3-20-04)

11. Traveling Exhibition. A temporary exhibition, including, but not limited to, circus, carnival, group, show, or zoo, not permanently located in the state, that possesses deleterious exotic animals. (5-8-09)

011. ABBREVIATIONS.

01. AZA. Association of Zoos and Aquariums. (5-8-09)

02. CFR. Code of Federal Regulations. (3-20-04)

03. IDFG. Idaho Department of Fish and Game. (3-20-04)

04. ISDA. Idaho State Department of Agriculture. (3-20-04)

05. ISIS. International Species Information System. (5-8-09)

06. PMP. Population Management Plan. (5-8-09)

07. SSP. Species Survival Plan. (5-8-09)

08. TAG. Taxon Advisory Group. (5-8-09)

09. USDA. United States Department of Agriculture. (3-20-04)

012. -- 019. (RESERVED)

020. APPLICABILITY.
These rules apply to the importation and possession of all deleterious exotic animals in Idaho. (3-20-04)

021. DELEGATION OF AUTHORITY.
The Administrator may designate IDFG to conduct permitting activities for deleterious exotic animals. (3-20-04)

022. INSPECTIONS.

2In order to ascertain compliance with this chapter, the Administrator is authorized to enter and inspect premises and other areas where animals are held or kept. (3-20-04)

01. Entering Premises. State or federal animal health officials will attempt to notify the owner or operator of the premises or other area prior to conducting an inspection. (3-20-04)

02. Emergencies. In the event of an emergency, as determined by the Administrator, the notification requirements of Section 022 of this rule may be waived. (3-20-04)

023. -- 099. (RESERVED)

100. POSSESSION AND PROPAGATION OF DELETERIOUS EXOTIC ANIMALS.

01. Possession. No person may possess a deleterious exotic animal in the state, unless such person obtains a possession permit issued by the Administrator. (5-8-09)

02. Propagation. No person may propagate a deleterious exotic animal in the state without the approval of the Administrator. If the Administrator grants approval to propagate deleterious exotic animals, such approval shall be noted on the applicable possession permit. Persons seeking permission to propagate a deleterious exotic animal must meet the following requirements: (5-8-09)

- a.** Obtain, and be in full compliance with, a possession permit issued by the Administrator; (5-8-09)
- b.** Obtain, and be in full compliance with, a USDA exhibitor's license for the facility where deleterious exotic animals will be possessed; (5-8-09)
- c.** Be a member in good standing of ISIS; and (5-8-09)
- d.** Participate in a PMP or SSP administered by an AZA TAG. (5-8-09)
- e.** In the event a PMP or SSP does not exist for the deleterious exotic animal(s) a person seeks to propagate, the Administrator will determine if the propagation of such deleterious exotic animal(s) carries a significant risk of injury to the agricultural industry, wildlife or environment of the state. The person must provide the following information to the Administrator to assist the Administrator in making that determination: (5-8-09)
 - i.** The facility's capacity to hold deleterious exotic animals and any anticipated offspring; (5-8-09)
 - ii.** The frequency of the proposed propagation; (5-8-09)
 - iii.** The purpose(s) of the proposed propagation; and (5-8-09)
 - iv.** The destination or use of the anticipated offspring. (5-8-09)

101. POSSESSION PERMITS.

01. Application for Possession Permits. Persons seeking a possession permit must make application on a form prescribed by the Administrator. A separate application must be submitted for each facility where deleterious exotic animals will be possessed. A person who receives a possession permit for deleterious exotic animals must submit a new application for each additional deleterious exotic animal that person seeks to possess. The application must include: (5-8-09)

- a.** The applicant's name, address (residence and mailing), and Employer Identification Number or Social Security Number. (5-8-09)
- b.** Description of the proposed facility, including: (5-8-09)
 - i.** A map identifying the location of the proposed facility; (5-8-09)

- ii. The geographic location (township, range, and quarter quarter section) of the proposed facility; (5-8-09)
- iii. The legal description of the real property for the proposed facility; (5-8-09)
- iv. The approximate total area of the proposed facility; (5-8-09)
- v. A detailed diagram of proposed facility, identifying fences, gates, confinement areas; and (5-8-09)
- vi. The specifications of the confinement areas for all deleterious exotic animals listed on the application, identifying exterior fencing, interior fencing, fence height, fencing materials, size of confinement areas, etc. (5-8-09)
- c. Name and address of the owner(s) of the proposed facility, if not the applicant. If the proposed facility will be leased, include a written and notarized statement by the owner of the property authorizing the use of the proposed facility to house deleterious exotic animals. (5-8-09)
- d. Name and address of the operator(s) of the proposed facility, if not the applicant. (5-8-09)
- e. Copy of approval by the local zoning authority, if approval is required by the local zoning authority. (5-8-09)
- f. Description of each deleterious exotic animal to be possessed at the facility, including genus, species, sex, age, identification, and purpose for possessing each deleterious exotic animal. (5-8-09)
- g. Name and address of the owner of each deleterious exotic animal listed on the application. (5-8-09)
- h. Name and address of the licensed Idaho veterinarian who will provide care for the deleterious exotic animal(s) listed on the application. (5-8-09)
- i. Written statement detailing the applicant's training and experience with the species listed on the application. (5-8-09)
- j. Written statement detailing the procedure in the event a deleterious exotic animal escapes from the facility. (5-8-09)
- k. Documentation of licenses issued by the USDA, if applicable. (5-8-09)
- l. Documentation of licenses issued by the U.S. Fish and Wildlife Service, if applicable. (5-8-09)
- m. Documentation of accreditation by the AZA, if applicable. (5-8-09)
- n. Documentation of membership in ISIS, if applicable. (5-8-09)
- o. Documentation of approved participation in a PMP or SSP administered by an AZA TAG, if applicable. (5-8-09)
- p. The required information set forth Paragraph 100.02.e., of these rules, if applicable. (5-8-09)
- q. For each deleterious exotic animal listed on the application, proof of sterilization or use of a method of birth control administered by a licensed veterinarian and approved by the Administrator, unless the applicant intends to propagate the deleterious exotic animal and fully satisfies the requirements of Subsection 100.02, of these rules. (5-8-09)

r. The date upon which the proposed facility will be available for inspection by the Department, which must be not less than seven (7) days prior to the time the exotic animals are possessed at the proposed facility. (5-8-09)

02. Application Process. The Administrator will consider all information in the application for a possession permit and issue a written decision granting or denying the application. (5-8-09)

03. Application Review. The Administrator will review the possession permit application and, in determining whether to issue the possession permit, shall consider factors relating to protection of the state's agriculture industry, the wildlife of the state, and the environment. Such factors include, but are not limited to: (5-8-09)

a. Proximity of the facility to farms, ranches, wildlife migration routes, and other areas in which native Idaho wildlife may commonly be found. (5-8-09)

b. Potential for unintended or accidental access to the facility. (5-8-09)

c. Potential for vandalism that compromises the security of the facility. (5-8-09)

d. Potential for escape from the facility. (5-8-09)

e. The size of the facility relative to the number of animals proposed to be kept at the facility. (5-8-09)

f. Whether, based on the applicant's certification and any other evidence received by the Administrator in connection with the proposed facility, all federal, state, county and city laws applicable to the facility have been met. (5-8-09)

g. Whether the applicant has adequate knowledge, experience and training to maintain the health, welfare and safety of the deleterious exotic animal(s), to handle the deleterious exotic animal(s) with safety and competence, and to ensure that the deleterious exotic animal(s) will not harm the state's agriculture, wildlife or the environment. Such experience may be documented by a log book, employment records, education records or other means by which experience may be authenticated. (5-8-09)

h. Whether the facility is adequately designed, constructed, and shall be managed to protect agriculture, wildlife and the environment from escape of the confined animal(s), including those instances when the applicant is not present at the facility. (5-8-09)

i. Prior to issuing a possession permit, the Administrator or designee may perform an inspection of the facility to determine if its design, construction and proposed operation is consistent with the applicable provisions of Idaho law. (5-8-09)

04. Grant or Denial of the Permit. Following review of the application and any other relevant information, the Administrator will either issue the possession permit or deny the application and notify the applicant. If the Department issues the permit, it may include any conditions intended to ensure the health, welfare and safety of the animal(s) covered by the permit and, where the Department finds it necessary, conditions intended to assure the security of the facility so as to avoid undue risk to the state's agriculture, wildlife and the environment. (5-8-09)

05. Duration of Possession Permit. A possession permit shall exist and be valid for the life of the deleterious exotic animal listed on a possession permit, until the permitted person no longer possess the deleterious exotic animal, or until the deleterious exotic animal leaves the state. (5-8-09)

102. TEMPORARY EXHIBITOR PERMITS.

A traveling exhibition may not possess any deleterious exotic animal in the state unless the traveling exhibition obtains a temporary exhibitor permit issued by the Administrator. (5-8-09)

01. Application for Temporary Exhibitor Permits. Persons seeking a temporary exhibitor permit must make application on a form prescribed by the Administrator. The application must include: (5-8-09)

a. The applicant's name, address (business and mailing) and Employer Identification Number or Social Security Number. (5-8-09)

b. The name and address of the owner(s) and operator(s) of the temporary exhibition, if not the applicant. (5-8-09)

c. Description of the cages or other housing in which the deleterious exotic animal(s) will be kept in the state. (5-8-09)

d. The physical address of each location(s) at which the deleterious exotic animal(s) will remain while in the state. (5-8-09)

e. A map identifying the location(s) at which the deleterious exotic animal(s) will be kept. (5-8-09)

f. Name and address of the owner(s) of the location(s) at which the deleterious exotic animal(s) will be kept. (5-8-09)

g. Written statement detailing the procedure(s) in the event a deleterious exotic animal escapes from the temporary exhibit. (5-8-09)

h. Documentation of licenses issued by the USDA, if applicable. (5-8-09)

02. Period of Validity. Temporary exhibitor permits are valid for no more than thirty (30) days after the date of issuance of the permit. (5-8-09)

03. Removal. All deleterious exotic animals subject to a temporary exhibitor permit must be removed from Idaho prior to the expiration of the import permit. (5-8-09)

103. -- 109. (RESERVED)

110. IMPORTATION OF DELETERIOUS EXOTIC ANIMALS.

No person may import any deleterious exotic animal into the state unless the deleterious exotic animal is accompanied in transit by an import permit issued by the Administrator, any permits required by the Idaho Department of Fish and Game, and an official certificate of veterinary inspection. (5-8-09)

111. IMPORT PERMITS.

The Administrator will issue import permits in accordance with IDAPA 02.04.21, "Rules Governing the Importation of Animals." (5-8-09)

01. Application for Import Permits. In addition to the requirements set forth in IDAPA 02.04.21.104, persons seeking import permits must submit the following: (5-8-09)

a. An application on a form prescribed by the Administrator; (5-8-09)

b. A valid possession permit or temporary exhibitor permit issued by the Administrator; and (5-8-09)

c. A certificate of veterinary inspection that meets the requirements in Section 112, of these rules. (5-8-09)

02. Period of Validity. Import permits are valid for fifteen (15) days from the date of issuance of the permit, unless stated otherwise on the permit. (5-8-09)

112. CERTIFICATES OF VETERINARY INSPECTION.

All deleterious exotic animals imported into the state must be accompanied in transit by an official certificate of veterinary inspection. All certificates must be written, legible, and attest that the animal(s) meet the importation requirements of the state, set forth in IDAPA 02.04.21, "Rules Governing the Importation of Animals." The certificate must be on an official form of the state of origin, be approved by its livestock sanitary official, and be issued by an accredited veterinarian. An equivalent form of the USDA issued by a federal animal health official is acceptable in lieu of a certificate of veterinary inspection. (5-8-09)

01. Required Information. All certificates of veterinary inspection must contain the following information: (5-8-09)

- a.** Name and address of the consignor and consignee; and (5-8-09)
- b.** Origin of shipment, including city and state; (5-8-09)
- c.** Final destination of shipment in Idaho, including city; (5-8-09)
- d.** An accurate description and identification of each animal; (5-8-09)
- e.** Purposes for which the animals were shipped; (5-8-09)
- f.** Method of transportation; (5-8-09)
- g.** Health status of the animals involved including dates and results of inspection and of tests and vaccinations, if any, required by the state; and (5-8-09)
- h.** The signature of the accredited veterinarian, or state or federal animal health official, conducting the veterinary inspection. (5-8-09)

02. Submission of Certificate. The required copies of certificates of veterinary inspection or other approved certificates must be submitted, within thirty (30) days of inspection, to the Division. (5-8-09)

03. Period of Certificate Validity. Certificates of veterinary inspection are valid for no more than thirty (30) days after the date of inspection. (5-8-09)

113. -- 119. (RESERVED)

120. DISPOSITION OF NON-PERMITTED DELETERIOUS EXOTIC ANIMALS.

The Administrator may order non-permitted or illegally possessed or imported deleterious exotic animals to be removed from the state, moved to facilities that are in compliance with this chapter, or destroyed. (5-8-09)

121. TRANSFER OF DELETERIOUS EXOTIC ANIMALS.

No person may transfer, sell, barter, trade, change ownership, or change possession of any deleterious exotic animal, unless the person receiving the deleterious exotic animal has obtained a possession permit, issued by the Administrator, for the animal being transferred. (5-8-09)

122. RELEASE OF DELETERIOUS EXOTIC ANIMALS.

No person may release any deleterious exotic animal within the state. (5-8-09)

123. REVOCATION OF PERMITS.

Permits issued pursuant to this chapter may be revoked at any time if the Administrator finds violations of any of the provisions of this chapter. (4-11-06)

124. -- 199. (RESERVED)

200. CONFINEMENT OF DELETERIOUS EXOTIC ANIMALS.

All deleterious exotic animals must be confined in appropriate facilities, as determined by the Administrator. These facilities shall be constructed and maintained to: (5-8-09)

01. Prevent Escape. Prevent the escape of deleterious exotic animals for any length of time. (5-8-09)

02. Prevent Ingress of Wildlife. Prevent the ingress of free ranging wildlife that could be negatively impacted by the confined deleterious exotic animals. (3-20-04)

03. Assure Animal Care. Assure the appropriate level of animal care, including maintaining the facilities in a sanitary condition. (4-11-06)

201. CONSTRUCTION STANDARDS FOR CONFINEMENT AREAS.

Confinement areas for deleterious exotic must be constructed according to the following construction standards, depending on the species of the deleterious exotic animal: (5-8-09)

01. Birds. Confinement areas for birds on the list of deleterious exotic animal set forth in Section 401 of these Rules must be constructed to prevent egress and provide adequate space for the birds. Confinement areas must include a cover sufficient to prevent egress or escape of the species of birds contained therein. (5-8-09)

02. Mammals. Confinement areas for mammals on the list of deleterious exotic animal in Sections 402 through 413 of these Rules must comply with the construction standards in the AZA Minimum Husbandry Guidelines for Mammals. (5-8-09)

202. ESCAPE OF DELETERIOUS EXOTIC ANIMALS.

Persons possessing deleterious exotic animals must report the escape of any deleterious exotic animal to the Administrator within twenty-four (24) hours of the discovery of the escape. (5-8-09)

203. IDENTIFICATION OF DELETERIOUS EXOTIC ANIMALS.

All deleterious exotic animals must be identified with an unique identification according to the following standards, depending on the species of the deleterious exotic animal: (5-8-09)

01. Birds. Birds must be identified with a microchip and a leg band. (5-8-09)

02. Mammals. Mammals must be identified with a microchip and a tattoo. (5-8-09)

204. -- 299. (RESERVED)

300. RECORDKEEPING.

01. Annual Inventory. Any person that possesses deleterious exotic animals must submit a complete and accurate annual inventory of such animals to the Administrator on or before the first day of July each year. The annual inventory must include the following information: (5-8-09)

a. Identify each deleterious exotic animal by genus, species, sex, and identification. (5-8-09)

b. Identify each deleterious exotic animal born during the last reporting year, including the genus, species, sex, identification, and date of birth. (5-8-09)

c. Identify each deleterious exotic animal that was transferred to another person, including the genus, species, sex, identification, date of transfer, and name and address of the person to whom the deleterious exotic animals was transferred. (5-8-09)

d. Identify each deleterious exotic animal that died during the last reporting year, including the genus, species, sex, identification, date of death, and cause of death. (5-8-09)

02. Records of Transfers. All persons who transfer, sell, barter, trade, change ownership, or change possession of deleterious exotic animals must keep complete and accurate records of the disposition of any deleterious exotic animals, including the new contact information for persons in possession of the deleterious exotic animal and date of disposition. Such records must be maintained for a minimum of three (3) years and must be

presented to the Administrator upon request. (5-8-09)

301. -- 309. (RESERVED)

310. DEAD ANIMAL MOVEMENT AND DISPOSAL.

All deleterious exotic animals that die, or are euthanized, must be disposed of in accordance with IDAPA 02.04.17 "Rules Governing Dead Animal Movement and Disposal" and the death must be reported to the Administrator within five (5) business days of the discovery of the death. (5-8-09)

311. -- 399. (RESERVED)

400. LIST OF DELETERIOUS EXOTIC ANIMALS.

The Administrator may add or remove animal species to the list of deleterious exotic animals in this chapter by issuing a written order listing animals and the reasons for adding them to or removing them from the list deleterious exotic animals. (5-8-09)

401. DELETERIOUS EXOTIC ANIMALS - BIRDS.

01. Mute Swan, (*Cygnus olor*). Mute swans except those that have been pinioned. (3-20-04)

402. DELETERIOUS EXOTIC ANIMALS - MAMMALS: CANIDAE.

All non-native canidae species. (4-11-06)

403. DELETERIOUS EXOTIC ANIMALS - MAMMALS: CERVIDAE.

01. Red Deer (*Cervus elaphus elaphus*). (3-20-04)

02. Sika Deer (*Cervus nippon*). (3-20-04)

404. DELETERIOUS EXOTIC ANIMALS -- MAMMALS: FELIDAE.

01. Caracal (*Felis caracal*). (4-11-06)

02. Cheetah (*Acinonyx jubatus*). (4-11-06)

03. Geoffroy's Cat (*Felis geoffroyi*). (4-11-06)

04. Jaguar (*Panthera onca*). (4-11-06)

05. Leopard (*Panthera pardus*). All leopards. (4-11-06)

06. Lion (*Panthera leo*). (4-11-06)

07. Margay (*Felis wiedii*). (4-11-06)

08. Ocelot (*Felis pardalis*). (4-11-06)

09. Serval (*Felis serval*). (4-11-06)

10. Tiger (*Panthera tigris*). All tigers. (4-11-06)

405. DELETERIOUS EXOTIC ANIMALS - MAMMALS: INSECTIVORES.

01. European Hedgehog (*Erinaceus europeus*). (4-11-06)

406. DELETERIOUS EXOTIC ANIMALS - MAMMALS: MARSUPIALS.

01. Brush Tailed Possum (*Trichsurus vulpecula*). (4-11-06)
407. DELETERIOUS EXOTIC ANIMALS - MAMMALS: NON-HUMAN PRIMATES.
All non-human primates. (4-11-06)
408. DELETERIOUS EXOTIC ANIMALS - MAMMALS: OVIDAE.
01. Barbary Sheep (*Ammotragus lervia*). (4-11-06)
02. Mouflon Sheep (*Ovis musimon*). (4-11-06)
409. DELETERIOUS EXOTIC ANIMALS - MAMMALS: PROCYONIDAE.
01. Coatiundi. (4-11-06)
02. Kinkajou. (4-11-06)
410. DELETERIOUS EXOTIC ANIMALS - MAMMALS: RODENTIA.
01. African Dormice (*Graphiurus*). (4-11-06)
02. African Rope Squirrels (*Funisciurus*). (4-11-06)
03. African Striped Mice (*Hybomys*). (4-11-06)
04. African Tree Squirrels (*Heliosciurus*). (4-11-06)
05. Brush-Tailed Porcupines (*Atherurus*). (4-11-06)
06. Capybara (*Hydrochoerus hydrochaeris*). (4-11-06)
07. Gambian Giant Pouched Rats (*Cricetomys*). (4-11-06)
08. Prairie Dogs (*Cynomys*). (4-11-06)
09. South American Rodents. All South American rodents except guinea pigs and chinchillas. (4-11-06)
411. DELETERIOUS EXOTIC ANIMALS - MAMMALS: SUIDAE.
01. European or Russian Wild Boar (*Sus scrofa*). (4-11-06)
412. DELETERIOUS EXOTIC ANIMALS - MAMMALS: TAYASSUIDAE.
01. Peccary (*Dicotyles tajacu*). (4-11-06)
413. -- 999. (RESERVED)

**IDAPA 02
TITLE 04
CHAPTER 28**

**02.04.28 – RULES GOVERNING LIVESTOCK DEALERS, BUYING STATIONS,
AND LIVESTOCK TRADER LOTS**

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 25-3250, 25-203, 25-401, and 25-601, Idaho Code.

(6-30-19)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is “Rules Governing Livestock Dealers, Buying Stations, and Livestock Trader Lots.”

(4-2-08)

02. Scope. These rules shall govern the record keeping of livestock dealers and facilities, record keeping, animal identification, quarantine facilities and movement of cattle in approved buying stations and approved livestock trader lots.

(6-30-19)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules.

(4-2-08)

003. ADMINISTRATIVE APPEAL.

Persons may be entitled to appeal agency actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code.

(4-2-08)

004. INCORPORATION BY REFERENCE.

No documents are incorporated by reference.

(4-2-08)

005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS.

The Idaho State Department of Agriculture central office is located at 2270 Old Penitentiary Road, Boise, ID 83712-8298. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is PO Box 7249, Boise, Idaho 83707. The phone number is (208) 332-8500 and the fax number is (208) 334-2170. The Department web address is <https://agri.idaho.gov/>.

(6-30-19)T

006. IDAHO PUBLIC RECORDS ACT.

These rules are public records available for inspection and copying at the Central Office of the Idaho State Department of Agriculture.

(4-2-08)

007. -- 009. (RESERVED).

010. DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this chapter.

(4-2-08)

01. Accredited Veterinarian. A veterinarian approved by the Administrator and the USDA/APHIS/VS, in accordance with provisions of Title 9, Part 161, Code of Federal Regulations, to perform functions of State-Federal animal disease control programs.

(4-2-08)

02. Approved Slaughter Establishment. A USDA inspected slaughter establishment where ante-mortem and post-mortem inspection is conducted by USDA inspectors.

(4-2-08)

03. Cattle. All domestic bovidae including domestic bison.

(4-2-08)

04. Domestic Bison. All animals in the genus *Bison*, which are owned by a person.

(4-2-08)

05. Domestic Cervidae. Elk, fallow deer, and reindeer owned by a person.

(4-2-08)

- 06. Epithelioma of the Eye.** A carcinoma of the eye of cattle commonly known as cancer eye. (4-2-08)
- 07. Federal Animal Health Official.** An employee of USDA/APHIS/VS who is authorized to perform animal health activities. (4-2-08)
- 08. Interstate Movement.** Movement of livestock from Idaho into any other state, territory or the District of Columbia, or from any other state, territory or the District of Columbia into Idaho. (4-2-08)
- 09. Livestock.** Cattle, domestic bison, swine, horses, mules, asses, domestic cervidae, sheep, goats, camelids, and ratites. (4-2-08)
- 10. Lump Jaw.** Condition also known as actinomycosis in cattle. (4-2-08)
- 11. Official Ear Tag.** APHIS approved identification ear tags conforming to the alphanumeric national uniform ear tagging system including official brucellosis vaccination ear tags, or NAIS compliant ear tags, which provide unique identification for each animal. (4-2-08)
- 12. Official Identification.** Official USDA approved ear tag, USDA Backtag, breed registration tattoo, or identification method approved by the Administrator. (4-2-08)
- 13. Official Brucellosis Vaccination Ear Tag.** An APHIS approved identification ear tag conforming to the alphanumeric national uniform ear tagging system, which provides unique identification for each animal. (4-2-08)
- 14. Operator.** The person who has authority to manage or direct a buying station or livestock trader lot. (4-2-08)
- 15. Owner.** The person who owns or has financial control of a buying station, livestock trader lot or cattle. (4-2-08)
- 16. Parturient.** Visibly prepared to give birth or within two (2) weeks before giving birth. (4-2-08)
- 17. Postparturient.** Having already given birth. (4-2-08)
- 18. Premises.** The ground, area, buildings, corrals, and equipment utilized to keep, hold, or maintain animals. (4-2-08)
- 19. Previous Location.** The premises where cattle were confined immediately prior to delivery to a buying station, livestock trader lot, or purchase by a livestock dealer. (4-2-08)
- 20. Restraint.** The confinement of cattle in a chute, or other device, for the purpose of efficiently, effectively, and safely inspecting, treating, vaccinating, or testing. (4-2-08)
- 21. State Animal Health Official.** The Administrator, or his designee, responsible for disease control and eradication activities. (4-2-08)
- 22. Test Eligible.** Unless otherwise specifically provided in these rules, all sexually intact cattle and domestic bison eighteen (18) months of age and over, and all parturient, and postparturient cattle and domestic bison regardless of age. (4-2-08)
- 23. USDA Backtag.** A backtag issued by APHIS that conforms to the eight-character alphanumeric National Backtagging System that provides unique identification for each animal. (4-2-08)
- 011. ABBREVIATIONS.**
- 01. APHIS.** Animal and Plant Health Inspection Service. (4-2-08)

- 02.** AVIC. Area Veterinarian In Charge. (4-2-08)
- 03** CAFO. Concentrated Animal Feeding Operation. (4-2-08)
- 04.** CFR. Code of Federal Regulations. (4-2-08)
- 05.** NAIS. National Animal Identification System. (4-2-08)
- 06.** USDA. United States Department of Agriculture. (4-2-08)
- 07.** VS. Veterinary Services. (4-2-08)
- 012. -- 019. (RESERVED)**
- 020. APPLICABILITY.**
These rules apply to livestock dealers, buying stations, and livestock trader lots operating in Idaho. (4-2-08)
- 021. -- 029. (RESERVED)**
- 030. INSPECTIONS.**
To prevent the introduction and dissemination, or to control and eradicate diseases, state and federal animal health officials are authorized to inspect livestock records, premises, facilities, and livestock to ensure compliance with the provisions of this chapter and other state or federal laws or rules applicable to livestock dealers, buying stations and livestock trader lots. (4-2-08)
- 01. Entering Premises.** In order to conduct activities authorized by this chapter, state or federal animal health officials are authorized to enter buying stations or livestock trader lots. State or federal officials will attempt to notify the owner or operator of the premises prior to conducting an inspection. (4-2-08)
- 02. Inspecting Records.** To ensure compliance with the provisions of this chapter, state or federal animal health officials are authorized to access, inspect, review, and copy any records deemed necessary during normal business hours. State or federal animal health officials will attempt to notify the owner or operator of the premises prior to inspecting records. (4-2-08)
- 03. Emergencies.** In the event of an emergency, as determined by the Administrator, the notification requirements of this section are not required. (4-2-08)
- 031. -- 039. (RESERVED)**
- 040. LIVESTOCK TREATMENT.**
Each livestock dealer, buying station and livestock trader lot shall humanely treat all livestock. All non-ambulatory livestock shall be: (4-2-08)
- 01. Returned.** Returned to premises of origin; or (4-2-08)
- 02. Fed and Watered.** Provided adequate feed and clean water; or (4-2-08)
- 03. Euthanized.** Humanely euthanized. (4-2-08)
- 041. -- 049. (RESERVED)**
- 050. DEAD ANIMAL DISPOSAL.**
The movement and disposal of all dead animals shall be pursuant to the provisions of IDAPA 02.04.17, “Rules Governing Dead Animal Movement and Disposal.” (4-2-08)
- 051. -- 059. (RESERVED)**

060. ENVIRONMENTAL REQUIREMENTS.

All buying stations and livestock trader lots shall meet the provisions of IDAPA 02.04.15, “Rules Governing Beef Cattle Animal Feeding Operations.” (4-2-08)

061. -- 099. (RESERVED)

100. LIVESTOCK DEALERS.

Livestock dealers that do not operate buying stations or livestock trader lots shall keep complete and accurate records such that cattle purchased may be traced to the previous location, previous owner and the subsequent owner. (4-2-08)

101. -- 109. (RESERVED)

110. CONTENT OF RECORDS.

Livestock dealer records shall include, but are not limited to: (4-2-08)

01. Name, Telephone Number, and Address. The name, telephone number, and address of the owner of the cattle prior to purchase by the livestock dealer. (4-2-08)

02. Identification. All cattle shall be identified to their previous location with a form of identification approved by the Administrator. (4-2-08)

03. Previous Location. The location where cattle were held prior to purchase by the livestock dealer shall be either the NAIS premises identification number or the physical address. (4-2-08)

04. The Date of Purchase. The date individual cattle were purchased. (4-2-08)

05. Date of Sale. Date individual cattle were sold or changed ownership. (4-2-08)

06. Name, Telephone Number, and Address of the Purchaser of Cattle. The name, telephone number, and address of the person that purchased cattle from the livestock dealer. (4-2-08)

07. Death Loss. An accurate account of all death loss, including identification, and disposition of the dead cattle. (4-2-08)

111. -- 119. (RESERVED)

120. RECORDS RETENTION.

Livestock dealers shall retain all records relating to cattle for a period of not less than two (2) years. Records must be made available to the administrator upon request. (4-2-08)

121. -- 129. (RESERVED)

130. APPROVED FORMS OF IDENTIFICATION.

The following are approved forms of identification. (4-2-08)

01. USDA Approved Backtag. (4-2-08)

02. Official USDA Ear Tag. (4-2-08)

03. Registration Tattoo. Breed registration tattoo and corresponding registration papers. (4-2-08)

04. Brand Inspection. Statement of ownership such as a brand inspection certificate. (4-2-08)

05. Administrator Approval. The Administrator may approve other forms of individual identification on a case-by-case basis. (4-2-08)

06. Removal of Animal Identification. No approved or official animal identification shall be removed, tampered with or otherwise altered. (4-2-08)

131. -- 199. (RESERVED)

200. APPROVED BUYING STATIONS.

No livestock dealer shall operate a buying station prior to receiving approval from the Administrator. All cattle entering the buying station shall be shipped to an approved slaughter establishment within seven (7) days of arrival at the buying station. (4-2-08)

201. APPLICATION FOR DESIGNATION AS AN IDAHO APPROVED BUYING STATION.

Application for designation as an Idaho approved buying station shall be made on application forms available from the Administrator. (4-2-08)

202. ADMINISTRATOR APPROVAL.

State or federal animal health officials shall inspect all buying stations prior to approval by the Administrator. The Administrator may take any past enforcement or violation history of the owner or operator of the buying station into consideration when making the final approval determination. (4-2-08)

203. APPROVED BUYING STATION NUMBER.

The license number issued to the livestock dealer by the State Brand Board shall be used to identify the approved buying station. (4-2-08)

204. EXPIRATION OF APPROVED STATUS.

Approved buying station status shall remain in effect unless the status is revoked by the Administrator or there is a change in ownership or operator. If there is a change in ownership or operator, it is the responsibility of the new buying station owner or operator to apply for reinstatement of approved status. (4-2-08)

205. REVOCATION OF APPROVED BUYING STATION STATUS.

In addition to any other Department administrative or civil action, the Administrator may withdraw or deny the approval of any buying station, by notifying the owner in writing, when one (1) or more of the following conditions exist: (4-2-08)

01. Recordkeeping Requirements. There is evidence that the owner or operator of the buying station violated the recordkeeping requirements of this rule, or animal health regulations. (4-2-08)

02. Inability to Trace Animals. There is a repeated history of an inability to trace the affected, exposed or reactor cattle handled by the buying station to the previous location and owner. (4-2-08)

03. Violations. A buying station violates any of the provisions of this chapter. (4-2-08)

04. Owner Request. Owners may have the approved status revoked by emptying the buying station and requesting in writing that the status be revoked. (4-2-08)

05. Regulation Changes. Idaho approved buying station status may be revoked as required by changes in state or federal rules or regulations. (4-2-08)

206. DISPOSITION OF CATTLE.

When approved buying station status is revoked, cattle still in the buying station shall be removed directly to an approved slaughter establishment within seven (7) days. (4-2-08)

207. -- 209. (RESERVED)

210. IDENTIFICATION.

All cattle shall be individually identified with an official USDA backtag immediately upon arrival at a buying station. Animal identification is to be maintained to slaughter and shall not be removed, tampered with or otherwise altered. (4-2-08)

211. -- 219. (RESERVED)

220. BUYING STATION RECORDS.

Each buying station shall keep sufficient records of all livestock that enter, leave, or die on the premises to enable state or federal animal health officials to trace such animals satisfactorily to their previous location. (4-2-08)

221. CONTENT OF RECORDS -- BUYING STATIONS.

Buying station records shall include, but are not limited to: (4-2-08)

- 01. Name, Telephone Number, and Address.** The name, telephone number, and address of: (4-2-08)
 - a.** The owner of the livestock entering the buying station; and (4-2-08)
 - b.** The person delivering the livestock to the buying station. (4-2-08)
- 02. Individual Identification.** Individual USDA Backtag number for each animal entering the buying station. (4-2-08)
- 03. Previous Location.** The location where cattle were held prior to purchase by the buying station shall be either the NAIS premises identification number or the physical address. (4-2-08)
- 04. The Date of Entry.** The date individual cattle enter a buying station. (4-2-08)
- 05. Date of Shipment to Slaughter.** (4-2-08)
- 06. Approved Slaughter Establishment Destination.** Name and address of the approved slaughter establishment. (4-2-08)
- 07. Death Loss.** An accurate account of all death loss, including individual identification number and disposition of the dead cattle. (4-2-08)
- 08. Dead Animals.** An accurate description, including any forms of identification, of any dead animals that are left at the buying station by other persons. (4-2-08)

222. BUYING STATION RECORDS RETENTION.

All records relating to cattle that have been in the buying station facility shall be retained for a period of not less than two (2) years. Records must be made available to the administrator upon request. (4-2-08)

223. -- 229. (RESERVED)

230. CATTLE SUBJECT TO QUARANTINE -- BUYING STATIONS.

No cattle that have reacted to the brucellosis or tuberculosis test, or cattle affected with, or suspected of being affected with a foreign animal disease, shall be allowed to enter, occupy, or be sold from a buying station. (4-2-08)

231. -- 239. (RESERVED)

240. PREMISES REQUIREMENTS.

An approved buying station shall meet the following requirements: (4-2-08)

- 01. Restraint System.** A restraint system, approved by the Administrator, for humanely, efficiently and effectively restraining livestock for the purpose of inspecting, identifying or testing of animals by state or federal animal health officials. (4-2-08)
- 02. Feed and Water.** All cattle that are on the premises for over twelve (12) hours shall have access to a clean source of water sufficient to provide for the number of animals present, and an adequate quality and quantity of feed. (4-2-08)

03. Pens. The premises shall be in compliance with IDAPA 02.04.15, “Rules Governing Beef Cattle Animal Feeding Operations,” and pens that contain cattle remaining on the premises for over twelve (12) hours shall provide adequate pen space for the cattle to rest and ruminate, and shall provide adequate drainage. (4-2-08)

04. Fences. All fences shall be constructed sufficient to prevent the escape of livestock from the premises, as determined by the Administrator. (4-2-08)

05. Condition. The premises shall be maintained in good repair. (4-2-08)

241. -- 249. (RESERVED)

250. SANITATION.

All buying stations shall be maintained in a sanitary condition. The buying station shall provide the necessary equipment to clean and disinfect the premises, and the owner or operator of the buying station shall clean and disinfect the premises at the direction of the Administrator. (4-2-08)

251. -- 259. (RESERVED)

260. SIGNAGE.

Each buying station shall comply with the following signage requirements: (4-2-08)

01. Wording. Signs shall state “ALL CATTLE ENTERING THIS FACILITY SHALL GO DIRECTLY TO SLAUGHTER.” (4-2-08)

02. Color. Lettering shall be red and not less than four (4) inches in height on a white background. (4-2-08)

03. Location. Signs shall be placed prominently at each entrance, exit and cattle loading or unloading facility. (4-2-08)

261. -- 269. (RESERVED)

270. LOCATION OF BUYING STATIONS.

All buying stations shall be located separate and apart from any other cattle handling facilities, as determined by the Administrator, that handle any cattle not destined to slaughter within seven (7) days. (4-2-08)

271. -- 499. (RESERVED)

500. APPROVED LIVESTOCK TRADER LOTS.

All livestock dealers licensed by the Idaho State Brand Board shall receive approval from the Administrator as an Idaho approved feedlot or approved livestock trader lot if the following conditions exist: (4-2-08)

01. Cattle Are Received. Cattle of unknown disease status are received from the farm or ranch of origin. (4-2-08)

02. Sold to Individuals. Brucellosis test eligible cattle are sold and transported to destinations other than an approved slaughter establishment, a specifically approved livestock market, an Idaho approved feedlot, or out of the state of Idaho. (4-2-08)

501. APPLICATION FOR APPROVED LIVESTOCK TRADER LOT STATUS.

Application for approved livestock trader lot status shall be made on application forms available from the Administrator. (4-2-08)

502. ADMINISTRATOR APPROVAL.

The Administrator may approve livestock trader lot applications after state or federal animal health officials have inspected the trader lot facility and: (4-2-08)

01. Adequate Facilities. The livestock dealer has demonstrated that cattle can be secured and restrained in the facility. (4-2-08)

02. Adequate Records. The livestock dealer's records are adequate to show the origin and disposition of the cattle that enter the facility. (4-2-08)

03. Past History. The Administrator may take any past enforcement or violation history of the owner or operator of the livestock trader lot into consideration when making the final approval determination. (4-2-08)

503. APPROVED LIVESTOCK TRADER LOT NUMBER.

The license number issued by the State Brand Board to livestock dealers shall be used to identify the livestock trader lot. (4-2-08)

504. EXPIRATION OF APPROVED STATUS.

Approved livestock trader lot status shall remain in effect unless there is a material change in operation, as determined by the Administrator, or the status is revoked by the Administrator. If there is a material change in operation, as determined by the Administrator, it is the responsibility of the livestock dealer to apply for reinstatement of approved status. (4-2-08)

505. -- 519. (RESERVED)

520. IDENTIFICATION.

All cattle shall be identified, to their previous location, with a form of identification approved by the Administrator immediately upon arrival at a livestock trader lot. Animal identification is to be maintained and shall not be removed, tampered with, or otherwise altered at the livestock trader lot. (4-2-08)

521. APPROVED FORMS OF IDENTIFICATION.

The following are approved forms of individual identification. (4-2-08)

01. USDA Approved Backtag. All brucellosis test eligible cattle shipped to approved slaughter establishments must be individually identified with an approved USDA Backtag. (4-2-08)

02. Official USDA Ear Tag. (4-2-08)

03. Registration Tattoo. A breed registration tattoo accompanied by registration papers. (4-2-08)

04. Brand Inspection. Statement of ownership such as a brand inspection certificate. (4-2-08)

05. Administrator Approval. The Administrator may approve other forms of identification on a case-by-case basis. (4-2-08)

06. Removal of Individual Animal Identification. No approved animal identification shall be removed, tampered with or otherwise altered. (4-2-08)

522. CONTENT OF RECORDS FOR APPROVED LIVESTOCK TRADER LOTS.

All approved livestock trader lots shall keep accurate and complete records of all cattle that enter, leave or die on the premises. These records shall readily show: (4-2-08)

01. Name, Telephone Number, and Address. The name, telephone number, and address of: (4-2-08)

a. The owner of the cattle prior to acquisition by the livestock dealer; and (4-2-08)

b. The person delivering the cattle to the livestock trader lot. (4-2-08)

02. Identification. Identification, approved by the Administrator, for the cattle entering the livestock trader lot. (4-2-08)

03. Previous Location. The location where cattle were held prior to entering the livestock trader lot shall be either the NAIS premises identification number or the physical address of the premises. (4-2-08)

04. The Date of Entry. The date the cattle enter a livestock trader lot. (4-2-08)

05. Date of Shipment Out of the Livestock Trader Lot. (4-2-08)

06. Name, Telephone Number, and Address of Shipment Destination. (4-2-08)

07. Death Loss. An accurate account of all death loss, including identification and disposition of the dead cattle. (4-2-08)

08. Dead Animals. An accurate description of any dead animals, including any forms of identification, which are left at the livestock trader lot by other persons. (4-2-08)

09. Requirements. That all applicable state and federal permit, test, examination, identification and vaccination requirements have been met. (4-2-08)

523. TRADER LOT RECORDS RETENTION.

Livestock trader lots shall retain their records for a period of not less than two (2) years following removal of the cattle from the premises. Records must be made available to the administrator upon request. (4-2-08)

524 -- 529. (RESERVED)

530. CATTLE SUBJECT TO QUARANTINE -- TRADER LOTS.

No cattle that have reacted to the brucellosis or tuberculosis test, or animals affected with, or suspected of being affected with a foreign animal or reportable disease shall be allowed to enter, occupy, or be sold from a livestock trader lot. (4-2-08)

531. -- 539. (RESERVED)

540. REMOVAL REQUIREMENTS.

All brucellosis test eligible cattle that are removed from an approved livestock trader lot shall be accompanied by a certificate of veterinary inspection issued by an accredited veterinarian prior to removal, except: (4-2-08)

01. Livestock Markets. Cattle shipped directly to a specifically approved livestock market. (4-2-08)

02. Slaughter. Cattle shipped directly to an approved slaughter establishment must be individually identified with an approved USDA Backtag. (4-2-08)

03. Approved Feedlots. Cattle shipped directly to an Idaho approved feedlot. (4-2-08)

541. LIVESTOCK DEALER'S DUTY.

It is the duty of a livestock dealer to ensure that all livestock removed from a livestock trader lot are in compliance with the animal health requirements of the state of Idaho and the point of destination. (4-2-08)

542. -- 549. (RESERVED)

550. LIVESTOCK TRADER LOT PREMISES.

Approved livestock trader lots shall meet the following requirements: (4-2-08)

01. Restraint System. A restraint system, approved by the Administrator, for humanely, efficiently and effectively restraining cattle for the purpose of inspecting, identifying, treating or testing of animals by state or federal animal health officials. (4-2-08)

02. Feed and Water. All cattle that are on the premises for over twelve (12) hours shall have access to

a clean source of water sufficient to provide for the number of cattle present, and an adequate quality and quantity of feed. (4-2-08)

03. Pens. The premises shall be in compliance with IDAPA 02.04.15, “Rules Governing Beef Cattle Animal Feeding Operations.” Pens that contain cattle remaining on the premises for over twelve (12) hours shall be large enough for the cattle to rest and ruminant and shall be adequately drained. (4-2-08)

04. Fences. All fences shall be constructed sufficiently to prevent the escape of cattle from the premises, as determined by the Administrator. (4-2-08)

05. Condition. All premises shall be maintained in good repair. (4-2-08)

551. -- 559. (RESERVED)

560. SANITATION.

All livestock trader lots shall be maintained in a sanitary manner. The livestock dealer shall provide the necessary equipment to clean and disinfect the premises, and the livestock dealer shall clean and disinfect the premises at the direction of the Administrator. (4-2-08)

561. -- 569. (RESERVED)

570. REVOCATION OF APPROVED STATUS.

In addition to any other Department administrative or civil action, the Administrator may withdraw or deny the approval of any livestock trader lot by notifying the dealer in writing when one or more of the following conditions exist: (4-2-08)

01. Recordkeeping Requirements. There is evidence that the livestock dealer violated the recordkeeping requirements of this rule or animal health regulations. (4-2-08)

02. Inability to Trace Animals. There is a repeated history of inability to trace to the affected, exposed, or reactor cattle that enter the livestock trader lot to the previous location and owner. (4-2-08)

03. Violations. A livestock dealer violates any of the provisions of this chapter. (4-2-08)

04. Dealer Request. The livestock dealer may have the approved status revoked by emptying the livestock trader lot and requesting in writing that the status be revoked. (4-2-08)

05. Regulation Changes. Approved trader lot status may be revoked as required by changes in state or federal rules or regulations. (4-2-08)

571. -- 999. (RESERVED)

**IDAPA 02
TITLE 04
CHAPTER 29**

02.04.29 – RULES GOVERNING TRICHOMONIASIS

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 25-203, Idaho Code. (3-30-07)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is “Rules Governing Trichomoniasis.” (3-30-07)

02. Scope. This chapter has the following scope: These rules govern procedures for the prevention, control and eradication of Trichomoniasis, a venereal disease of cattle caused by the organism *Tritrichomonas foetus*. (3-30-07)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (3-30-07)

003. ADMINISTRATIVE APPEAL.

Persons may be entitled to appeal agency actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (3-30-07)

004. INCORPORATION BY REFERENCE.

IDAPA 02.04.29 incorporates by reference the official 2018 Edition of Idaho “Protocol for *Trichomonas foetus* Diagnosis in Cattle” which can be viewed online at <https://agri.idaho.gov/main/laboratories/animal-health-laboratories/protocol-for-trichomonas-diagnosis-in-cattle/>. (4-11-19)

005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS.

The Idaho State Department of Agriculture central office is located at 2270 Old Penitentiary Road, Boise, ID 83712-8298. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is PO Box 7249, Boise, Idaho 83707. The phone number is (208) 332-8500 and the fax number is (208) 334-2170. The Department web address is <https://agri.idaho.gov/>. (6-30-19)T

006. IDAHO PUBLIC RECORDS ACT COMPLIANCE.

These rules are subject to and in compliance with the Public Records Act and are available for inspection and copying at the Idaho State Department of Agriculture, Division of Animal Industries. (3-30-07)

007. -- 009. (RESERVED)

010. DEFINITIONS.

As used in these rules the following terms have the following meanings: (3-30-07)

01. Cattle. All bovidae. (3-30-07)

02. Exposed Cattle. Any cattle that have been in contact with cattle infected with or affected by Trichomoniasis. (3-30-07)

03. Federal Animal Health Official. An employee of the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services who is authorized to perform animal health activities. (3-30-07)

04. Herd. A herd is any group of cattle maintained on common ground for any purpose, or two (2) or more groups of cattle under common ownership or supervision, geographically separated, but which have an interchange or movement of cattle without regard to whether they are infected with or exposed to Trichomoniasis. (3-30-07)

- 05. Hold Order.** A hold order is a form of quarantine that may be used to restrict the movement of cattle while the Trichomoniasis status is being investigated. (3-30-07)
- 06. Infected Cattle.** Any cattle determined by an official test or diagnostic procedure to be infected with Trichomoniasis or diagnosed by a veterinarian as infected. (3-30-07)
- 07. Infected Herd.** Any herd in which any cattle have been determined by an official test or diagnostic procedure to be infected with Trichomoniasis or diagnosed by a veterinarian as being infected. (3-30-07)
- 08. Negative.** Cattle that have been tested with official test procedures and found to be free from infection with Trichomoniasis. (3-30-07)
- 09. PCR.** Polymerase Chain Reaction. (3-25-16)
- 10. Positive.** Cattle that have been tested with official test procedures and found to be infected with Trichomoniasis. (3-30-07)
- 11. Quarantine.** A written order, or a verbal order followed by a written order, executed by the Administrator, to confine or hold cattle on a premises or any other location, and to prevent movement of cattle from a premises or any other location when the Administrator has determined that the cattle have been found or are suspected to be exposed to or infected with Trichomoniasis or the owner is not in compliance with the provisions of this chapter. (3-30-07)
- 12. Quarantined.** Isolation of all cattle diseased or exposed thereto, from contact with healthy cattle and exclusion of such healthy cattle from enclosures or grounds where said diseased or exposed cattle are, or have been kept. (3-30-07)
- 13. Registered Veterinarians.** Veterinarians registered with, and approved by the Division of Animal Industries to collect Trichomoniasis samples for official Trichomoniasis culture testing. (3-30-07)
- 14. Restrain.** The confinement of cattle in a chute, or other device, for the purpose of efficient, effective, and safe testing approved by the Administrator. (3-30-07)
- 15. State Animal Health Official.** The Administrator, or his designee, responsible for disease control and eradication activities. (3-30-07)
- 16. T Brand.** A two inch by three inch (2" x 3") single-character hot iron T brand, applied to the left of the tail-head of a bull, signifying that the bull is infected with trichomoniasis. (4-7-11)
- 17. Trichomoniasis.** A venereal disease caused by the organism *Tritrichomonas foetus*. (4-2-08)

011. – 099. (RESERVED)

100. TRICHOMONIASIS CONTROL AND ERADICATION PROGRAM.

The Trichomoniasis testing season begins on September 1 of each year and continue until August 31 of the succeeding year. All bulls within the state of Idaho shall be tested negative for Trichomoniasis before being allowed to come into contact with female cattle or by April 15 of each Trichomoniasis testing season, whichever occurs first, except: (3-30-07)

01. Bulls in Public Grazing Allotments. Bulls that are to be turned out on public grazing allotments shall be tested for Trichomoniasis by April 15 of each Trichomoniasis testing season or forty-five (45) days prior to turnout on a public grazing allotment, which ever occurs first. (3-30-07)

02. Virgin Bulls. All bulls native to Idaho that are less than twenty-four (24) months of age, which have never serviced a cow shall be exempt from the Trichomoniasis testing requirements. (4-7-11)

- a.** Such bulls shall be identified by a registered veterinarian with an official Trichomoniasis bangle tag

of the correct color for the current testing season and the identification recorded on a Trichomoniasis Test and Report Form. (3-30-07)

b. If sold, such bulls shall be accompanied by a certificate signed by the owner or his representative attesting that they are virgin bulls. (3-30-07)

03. Dairy Bulls. All dairy bulls in dry lot operations shall be exempt from the Trichomoniasis testing requirements. Dairy bulls that are pastured or grazed must meet the Trichomoniasis testing requirements. (3-30-07)

04. Bulls Consigned to Slaughter or to an Approved Feedlot. Bulls consigned directly to slaughter at an approved slaughter establishment or to an approved feedlot for finish feeding for slaughter are exempt from testing requirements. (3-30-07)

05. Extension of Testing Deadline. The Administrator may grant an extension of time beyond April 15 to accomplish Trichomoniasis testing after the owner submits a written request for extension of time to the Division of Animal Industries. (3-30-07)

a. The written request shall outline the reasons for the extension request and the length of extended time being requested. (3-30-07)

b. The herd of bulls shall be put under Hold Order until the owner furnishes documentation that the bulls have been tested. (3-30-07)

101. – 109. (RESERVED)

110. TRICHOMONIASIS TESTING IDENTIFICATION.

The Division of Animal Industries will determine the color of the official Trichomoniasis bangle tags to be used for each Trichomoniasis testing season. All bulls tested for Trichomoniasis shall be identified by an official Trichomoniasis bangle tag of the correct color for the current testing season and the identification recorded on a Trichomoniasis Test and Report Form. (3-30-07)

111. -- 199. (RESERVED)

200. BULLS FOR SALE.

Bulls presented for sale at specifically approved livestock markets, shows, special sales, or by private contract in Idaho shall be accompanied by a certificate of negative test and a statement signed by the owner certifying “Trichomoniasis has not been diagnosed in the herd of origin;” or (3-30-07)

01. Returned to Home Premises. Such bulls shall be returned to home premises for official testing; or (4-2-08)

02. Sold Directly to Slaughter. Such bulls shall be sold directly to slaughter at an approved slaughter establishment, an Idaho approved feedlot, as defined in IDAPA 02.04.20, “Rules Governing Brucellosis”; or (4-7-11)

03. Placed Under a Hold Order. Such bulls shall be placed under Hold Order by the livestock market veterinarian or a private veterinarian and have three (3) consecutive negative Trichomoniasis or PCR culture tests. The samples for each test shall be collected at least seven (7) days apart and tested for Trichomoniasis to be eligible to receive a certificate of negative test; or (3-25-16)

04. Virgin Bulls. Virgin bulls native to Idaho that are less than twenty-four (24) months of age, which have never serviced a cow shall be identified with an official Trichomoniasis bangle tag of the correct color for the current testing season. (4-7-11)

05. Period of Validity. For resident breeding bulls sold in Idaho, the negative test shall be valid for up to ninety (90) days provided the bull(s) has had no contact with female cattle from the time of test to the time of sale. (3-30-07)

06. Contact with Female Cattle. Bulls that have had contact with female cattle subsequent to testing must be retested prior to sale. (3-30-07)

201. -- 209. (RESERVED)

210. IMPORTED BULLS.

01. Non-Virgin Bulls. Non-virgin breeding bulls may be imported into the state of Idaho provided they meet the following requirements: (3-30-07)

a. If the bull originates from a herd of bulls wherein all bulls have tested negative for Trichomoniasis since being removed from cows, the bull shall have been tested negative to a Trichomoniasis culture test within sixty (60) days prior to import and shall have had no contact with female cattle from the time of test to the time of import; or (3-25-16)

b. If the bull originates from a herd where one (1) or more bulls or cows have been found infected with Trichomoniasis, the bull shall have three (3) consecutive negative Trichomoniasis culture or PCR tests. The samples for each test shall be collected at least seven (7) days apart and tested for Trichomoniasis, the last test being within sixty (60) days prior to import into Idaho; or (3-25-16)

c. If the bull is a single bull with no prior herd test history or originates from a herd of bulls that is still with cows or that has not been tested for Trichomoniasis since being removed from cows, the bull shall have three (3) consecutive negative Trichomoniasis culture or PCR tests. The samples for each test shall be collected at least seven (7) days apart and tested for Trichomoniasis, the last test being within sixty (60) days prior to import into Idaho. (3-25-16)

d. Upon arrival at their destination in Idaho, all imported bulls shall be identified with an official Trichomoniasis bangle tag of the correct color for the current testing season, except imported dairy bulls that will be in a dry lot operation are not required to be identified with an official Trichomoniasis tag upon arrival at their destination. (3-30-07)

02. Virgin Bulls. Bulls imported into Idaho that are less than eighteen (18) months of age which have never serviced a cow are not required to be Trichomoniasis tested prior to import into Idaho, provided that: (3-25-16)

a. Such bulls shall be accompanied by a certificate signed by the owner or the owner's representative attesting that the animals are virgin bulls and have never serviced a cow; and (3-30-07)

b. Upon arrival at their destination in Idaho, such bulls shall be identified by an Idaho accredited veterinarian with an official Trichomoniasis bangle tag of the correct color for the current testing season. (3-30-07)

03. Bulls for Grazing. Bulls that are entering Idaho for grazing purposes shall meet the Trichomoniasis test requirements of Section 100 of this rule. A copy of the certificate of negative Trichomoniasis test shall accompany the grazing permit application. (4-2-08)

211. - 299. (RESERVED)

300. PUBLIC GRAZING.

All bulls that are turned out on public grazing allotments shall be certified and identified as virgin bulls, or tested negative for Trichomoniasis at least forty-five (45) days prior to the turnout date, or before April 15 of each testing season, which ever occurs first. (4-2-08)

01. Grazing Associations. All bulls that are in a public grazing association or run in common on an allotment shall be considered part of one (1) herd. (3-30-07)

02. Positive Tests. If any bull owned by any of the producers in a grazing association or allotment tests positive on a Trichomoniasis test, the rest of the producers in the association or allotment shall be considered part of an infected bull herd and handled in accordance with Section 310 of this rule. (4-2-08)

301. -- 309. (RESERVED)

310. INFECTED BULLS AND HERDS.

Any bull or cow that is positive to a Trichomoniasis culture or PCR test shall be considered infected. A herd in which one (1) or more bulls or cows are found infected with Trichomoniasis shall be considered infected. (3-25-16)

01. Confirmatory Testing of Culture Positive Bulls. Any culture positive bull must be confirmed positive for *Trichomonas foetus* by Polymerase Chain Reaction (PCR) test unless the animal is destined directly to slaughter. The positive culture specimen shall be submitted to a qualified laboratory, approved by the Administrator, in accordance with the qualified laboratories submission requirements. (3-25-16)

a. If polymerase chain reaction (PCR) determines the bull is positive or inconclusive for *Trichomonas foetus*, the bull will be considered positive for trichomoniasis. (4-7-11)

b. If polymerase chain reaction (PCR) determines the bull is negative for *Trichomonas foetus*, the bull will be considered negative for trichomoniasis. (4-7-11)

02. Quarantine of Infected Herds. Any veterinarian that discovers an infected herd shall immediately place the herd under a Hold Order, and notify the Division of Animal Industries within forty-eight (48) hours that the test was positive. Upon notification of an infected Trichomoniasis herd, a state or federal animal health official shall conduct an epidemiological investigation of the infected herd and issue a quarantine. The quarantine may include a provision requiring all breeding age female cattle in the infected herd to be held in isolation from all bulls for a period of up to one hundred twenty (120) days as determined by the Administrator. (3-30-07)

03. Exposed Herds. Herds identified as exposed through an epidemiological investigation shall be placed under a Hold Order. (3-30-07)

a. Bulls in exposed herds shall be tested as determined by the Trichomoniasis epidemiologist. (3-30-07)

b. All bulls tested in exposed herds and all purchased and home raised additions to the bull herd, including virgin bulls, shall be individually identified with an official Trichomoniasis bangle tag of the correct color for the current testing season and the tag number and status of the bull shall be recorded on an official Trichomoniasis test and report form. (3-30-07)

04. Testing of Infected Herds. Bulls in infected herds shall be tested negative for Trichomoniasis three (3) consecutive times before the quarantine can be released. Each of the tests shall be at least seven (7) days apart. The samples for each test shall be collected at least seven (7) days apart and tested for Trichomoniasis to be eligible to receive a certificate of negative test. (3-25-16)

a. All bulls tested in the infected herd and all purchased and home raised additions to the bull herd, including virgin bulls, shall be individually identified with an official Trichomoniasis bangle tag of the correct color for the current testing season and the tag number and status of the bull shall be recorded on an official Trichomoniasis test and report form. (3-30-07)

b. Bulls that have three (3) consecutive negative Trichomoniasis culture or PCR tests conducted at least seven (7) days apart shall be considered negative to Trichomoniasis and can be so certified. (3-25-16)

05. Identifying Infected Bulls. All bulls testing positive for trichomoniasis shall, within seven (7) days of diagnosis, be identified with a hot iron T brand applied to the left of the tail-head indicating that the bull is positive for trichomoniasis. (4-7-11)

311. -- 319. (RESERVED)

320. MOVEMENT OF INFECTED CATTLE.

All infected cattle shall be consigned to slaughter at an approved slaughter establishment or consigned to a

specifically approved livestock market for sale to an approved slaughter establishment and shall remain under quarantine until moved to slaughter. All infected cattle being moved from the premise of origin to a specifically approved livestock market for sale to slaughter, or directly to an approved slaughter establishment for slaughter, shall move on a VS 1-27 form issued by an accredited veterinarian or a state or federal animal health official. (4-2-08)

01. Slaughter Within Thirty Days. All infected cattle shall be moved to slaughter within thirty (30) days of the issuance of the quarantine. All infected cattle shall be kept separate and apart from cattle or domestic bison of the opposite sex. The infected cattle will remain under quarantine until moved to slaughter. (4-2-08)

02. Exceptions. The Division of Animal Industries may grant an extension of time after the owner submits a written request for extension of time for movement to slaughter to the Division of Animal Industries. (3-30-07)

03. Contents of Request for Extension of Time. The written request shall outline the reasons for the extension request and the length of extended time being requested. The total length of time an individual infected bull may remain under quarantine before being required to move to slaughter, including any and all requested extensions, shall not exceed ninety (90) days. (3-30-07)

321. TREATMENT OF INFECTED BULLS.
There are no treatments for Trichomoniasis approved for use in Idaho. (3-30-07)

322. -- 329. (RESERVED)

330. OFFICIAL LABORATORIES.
Only laboratories approved by the Division of Animal Industries as official laboratories may test official Trichomoniasis samples. (3-30-07)

01. Protocols. Official laboratories shall operate in accordance with the official Idaho "Protocol for *Trichomonas foetus* Diagnosis in Cattle." (4-7-11)

02. Check Test. Official laboratories personnel responsible for conducting trichomoniasis testing must be trained and certified by ISDA in the detection of trichomonad organisms and must pass a certifying check test administered by the Division of Animal Industries. (4-7-11)

331. OFFICIAL TRICHOMONIASIS TESTS.

01. Official Culture Tests. An official test is one in which the sample is received in the official laboratory, in good condition, and such sample is tested according to the official Idaho "Protocol for *Trichomonas foetus* Diagnosis in Cattle." Samples which have been frozen or exposed to high temperatures shall be discarded. (3-25-16)

02. Polymerase Chain Reaction. Polymerase Chain Reaction is accepted as an official test when completed by a qualified laboratory, approved by the Administrator. (3-25-16)

03. Other Official Tests. Other tests for Trichomoniasis may be approved by the Division of Animal Industries, as official tests, after the tests have been proven effective by research, have been evaluated sufficiently to determine efficacy, and a protocol for use of the test has been established. (3-30-07)

332. REGISTERED VETERINARIANS.
Only veterinarians registered with the Division of Animal Industries shall collect samples for official tests for Trichomoniasis within the state of Idaho. (3-30-07)

01. Use of Official Laboratories. Registered veterinarians shall only utilize official laboratories for testing of Trichomoniasis samples. (3-25-16)

02. Education Requirements. All veterinarians shall attend an educational seminar on Trichomoniasis and proper sample collection techniques, conducted by the Division of animal Industries, prior to being granted

registered status. (3-30-07)

333. REPORTING OF TEST RESULTS AND OFFICIAL IDENTIFICATION.

Registered veterinarians shall submit results of all Trichomoniasis tests and all official identification on official Trichomoniasis test and report forms to the Division of Animal Industries within five (5) business days of: (3-30-07)

- 01. Receiving Results.** Receiving Trichomoniasis results from an official laboratory; or (3-30-07)
- 02. Identifying Virgin Bulls.** Identifying virgin bulls with official Trichomoniasis bangle tags. (3-30-07)

334. -- 399. (RESERVED)

400. RODEO BULLS.

Bulls currently in a rodeo string, bulls purchased under the feedlot exemption at a specifically approved livestock market, bulls purchased by private treaty, and bulls purchased in other states and imported into Idaho for rodeo purposes are exempt from Trichomoniasis testing under the following conditions: (3-30-07)

- 01. Division Approval.** The owner of the rodeo bulls has completed and submitted an application to the Division of Animal Industries, which the Division has approved; and (3-30-07)
- 02. Not Mixed with Cows.** The rodeo bulls are confined to a dry lot and not mixed with cows or used for breeding purposes; and (3-30-07)
- 03. Permanently Identified.** All bulls in the rodeo string are permanently identified with official ear tags or unique numbers hot iron branded on the animal; and (3-30-07)
- 04. Records Maintained.** The identification numbers are maintained in a permanent record file at the owner's premises and a copy of the record will be provided to the Division of Animal Industries upon request; and (3-30-07)
- 05. Bulls Purchased.** Bulls purchased for addition to the rodeo string shall meet all other health requirements. Purchased bulls shall be immediately identified as specified in Subsection 400.03 of this rule. Official back tag and ear tag numbers on the bull at time of purchase shall be correlated to the permanent identification in the permanent record; and (4-2-08)
- 06. Bulls Removed for Slaughter.** Removal of bulls to slaughter is documented in the permanent record file; and (3-30-07)
- 07. Bulls Removed for Breeding Purposes.** Bulls that are removed from the rodeo string for breeding purposes shall undergo three (3) consecutive negative PCR tests or cultures for Trichomoniasis. The samples for each test shall be collected at least seven (7) days apart and tested for Trichomoniasis to be eligible to receive a certificate of negative test. (3-25-16)

401. -- 409. (RESERVED)

410. FEEDING BULLS OF UNKNOWN TRICHOMONIASIS STATUS.

Bulls of unknown Trichomoniasis status may be fed for slaughter in an Idaho approved feedlot where the bulls are isolated from all female cattle. (3-30-07)

- 01. Removal of Untested Bulls.** Untested bulls shall be sold directly to slaughter at an approved slaughter establishment. (3-30-07)
- 02. Removal of Bulls for Breeding Purposes.** Bulls that are removed for breeding purposes shall undergo three (3) consecutive negative PCR tests or cultures for Trichomoniasis. The samples for each test shall be collected at least seven (7) days apart and tested for Trichomoniasis to be eligible to receive a certificate of negative test. (3-25-16)

411. -- 499. (RESERVED)

500. INFECTIONS WITH OTHER TYPES OF TRICHOMONADS.

Bulls that have had a positive culture result for Trichomoniasis testing may be further evaluated to determine if the organism is *Tritrichomonas foetus* or another species of Trichomonad. Bulls having positive Trichomoniasis culture results on the initial test will not be considered positive for Trichomoniasis under the provisions of this rule if they meet the following criteria: (3-30-07)

01. Trichomonad Organisms Identified. The culture media containing the organisms that have been collected from the bull is forwarded to a laboratory, approved by the Administrator, that has the ability to identify Trichomonad organisms through Polymerase Chain Reaction; and (4-2-08)

02. Tritrichomonas foetus Not Present. None of the Trichomonad organisms in the submitted culture are identified as *Tritrichomonas foetus*. (3-30-07)

03. Inconclusive Test Results. The Administrator may approve retesting of bulls with inconclusive Trichomoniasis test results. If the bulls are found to be Trichomoniasis negative on three (3) consecutive tests that are separated by at least seven (7) days, the bulls may be considered Trichomoniasis negative and released from quarantine. (4-2-08)

501. -- 999. (RESERVED)

**IDAPA 02
TITLE 06
CHAPTER 07**

02.06.07 – RULES GOVERNING WHITE ROT DISEASE OF ONION

000. LEGAL AUTHORITY.

This chapter is adopted under legal authority of Sections 22-2004 and 22-2006, Idaho Code. (6-30-19)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.07, “Rules Governing White Rot Disease of Onion.” (5-3-03)

02. Scope. These rules will govern procedures for planting, movement and sale of Allium species in designated counties in Idaho. These rules will also govern the movement of machinery, tools or equipment into designated counties in Idaho as defined in Section 050. Once established this disease will seriously affect onion production and is virtually impossible to eradicate and known to be able to exist in the soil for up to thirty (30) years. (6-30-19)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (5-3-03)

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeal before the Idaho State Department of Agriculture under this chapter. (5-3-03)

004. INCORPORATION BY REFERENCE.

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

005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS.

The Idaho State Department of Agriculture central office is located at 2270 Old Penitentiary Road, Boise, ID 83712-8298. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The mailing address is PO Box 7249, Boise, Idaho 83707. The phone number is (208) 332-8500 and the fax number is (208) 334-2170. The Department web address is <https://agri.idaho.gov/>. (6-30-19)T

006. PUBLIC RECORDS ACT COMPLIANCE.

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

007. -- 009. (RESERVED)

010. DEFINITIONS.

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

011. (RESERVED)

012. REGULATED PEST.

Onion white rot (*Sclerotium cepivorum*). (5-3-03)

013. -- 049. (RESERVED)

050. DESIGNATED COUNTIES.

Ada, Bingham, Blaine, Boise, Bonneville, Canyon, Cassia, Elmore, Gem, Gooding, Jefferson, Jerome, Lincoln, Madison, Minidoka, Owyhee, Payette, Power, Twin Falls, and Washington Counties, state of Idaho. (7-1-93)

051. -- 099. (RESERVED)

100. REGULATED PRODUCTS.

Bulbs, sets, or seedlings of onion, garlic, leek, chive, shallot or other Allium species, including all ornamental Allium species, for planting purposes, and all machinery, tools, and equipment used in the production of Allium species. (7-1-93)

101. -- 149. (RESERVED)

150. RULES GOVERNING SHIPMENTS.

01. Shipment for Planting Purposes. No person shall import into the designated counties bulbs, sets or seedlings of onion, garlic, leek, chives, shallots or other Allium species, including ornamentals, for planting purposes except as provided in Subsections 150.02 through 150.04. (7-1-93)

02. Designated Counties. Allium production within the designated counties shall be limited to production from seed, or from vegetative propagative material produced from seed within the designated counties. Bulbs, sets or seedlings of Allium species produced within the designated counties then exported from the designated counties for processing or other purposes cannot be returned to the designated counties for planting purposes. (7-1-93)

03. Vegetative Propagative Material. Vegetative propagative material, produced under aseptic conditions, may be brought into the designated counties if an exemption is granted by the Director, or his designated agent, Idaho Department of Agriculture, hereinafter referred to as "Director." (7-1-93)

04. Allium Exemption. Bulbs, sets, or seedlings of Allium species, for planting purposes, produced in Malheur County, Oregon, and regulated by similar rules are exempt from the restrictions of Subsection 150.01. (7-1-93)

05. Machinery, Tools and Equipment. Except as provided in Subsections 150.06 and 150.07, no person shall, in any manner, import or move into the designated counties any machinery, tools, or equipment, which have been previously used, in any manner on fields outside the designated counties, where the host plants named in Section 100 have ever been cultivated. (7-1-93)

06. Cleaning Machinery, Tools and Equipment. Machinery, tools, or equipment may be imported or moved into the designated counties if they are first steam cleaned and disinfested to the satisfaction of and with the prior approval of the Director. The cleaning shall include the complete removal of all soil by the use of steam under pressure. Disinfestation shall be accomplished as specified by the Director. For the purpose of these rules, machinery, tools and equipment shall include but are not limited to farm trucks, harvesters, and tillage equipment. (7-1-93)

07. Exemptions. Machinery, tools or equipment utilized in Malheur County, Oregon, are exempt from the prohibition in Subsections 150.05 and 150.06. (7-1-93)

08. Authority of Director. The Director may stop the movement into or within any designated county of any machinery, tools, or equipment which have not been cleaned and disinfested as provided for in Subsection 150.06 until such machinery, tools and equipment are so cleaned and disinfested. (7-1-93)

151. -- 199. (RESERVED)

200. DISPOSITION OF VIOLATIONS.

Any plant material, plant products or machinery, tools or equipment, imported into any designated county in violation of these rules shall immediately be sent out of the county and all counties specified in Section 050 or destroyed at the option and expense of the owner or owners, his or their agents and under the direction of the Director. (7-1-93)

201. -- 249. (RESERVED)

250. INSPECTION AND CONTROL PROCEDURES.

01. Inspection. The Director may inspect any regulated product or regulated product planting areas

within the designated counties during any time of the year to determine if the disease organism is present therein. If the Director finds that any of the regulated products enumerated in Section 100, whether or not being transported, or any fields are infested with the disease organism, he shall, by written control order, delivered or mailed to the grower and/or land owner, direct the control of the infestation, and may, prior to issuance of the order, seize any infected regulated products which are separated from the land on which grown. (7-1-93)

02. Movement. Movement of such regulated products within the designated counties or removal of such from the designated counties may be carried out only with the Director's prior approval and under his supervision. (7-1-93)

03. Controls. Control methods used shall be only those approved by the Director and may include but are not limited to the following directives: (7-1-93)

- a.** Any infected regulated products shall be destroyed. (7-1-93)
- b.** A directive that a specific part or all of any infested area shall be taken out of Allium species production. (7-1-93)
- c.** Any infested area shall be fenced, properly diked to prevent runoff or irrigation or rainwater, and planted to an approved crop which will prevent soil erosion and will not require annual tillage. (7-1-93)
- d.** The pasturing of animals on any infested area shall be prohibited. (7-1-93)
- e.** Equipment, tools and machinery used on an infested area shall be cleaned and disinfested prior to removal from said area. (7-1-93)

251. -- 349. (RESERVED)

350. SPECIAL EXEMPTIONS.

The Director may, with the consent of the owner, allow use of an infested growing area as an experimental plot in cooperation with the University of Idaho for onion white rot research. (7-1-93)

351. -- 999. (RESERVED)

**IDAPA 02
TITLE 06
CHAPTER 08**

02.06.08 – QUARANTINE RULES PERTAINING TO APPLES AND CHERRIES

000. LEGAL AUTHORITY.

This chapter is adopted under legal authority of Sections 22-2004 and 22-2006, Idaho Code. (6-30-19)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.08, “Quarantine Rules Pertaining to Apples and Cherries.” (5-3-03)

02. Scope. These rules restrict the movement of regulated articles into and within Idaho from infested states, countries, and infested portions of Idaho, and set forth treatment procedures to minimize the chance of spreading regulated pests. (5-3-03)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (5-3-03)

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeal before the Department of Agriculture under this chapter. Hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code. (5-3-03)

004. INCORPORATION BY REFERENCE.

IDAPA 02.06.08 does not incorporate any material by reference. (5-3-03)

005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS.

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006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records available for inspection and copying at the department. (5-3-03)

007. -- 009. (RESERVED)

010. DEFINITIONS.

The Idaho State Department of Agriculture adopts the definitions set forth in Title 22, Chapter 20, Idaho Code. In addition, as used in this chapter: (5-3-03)

01. Commercial Fruit. Means fruit harvested from a commercial orchard and destined to a commercial processing plant, packing plant, or for retail or wholesale sales. (5-3-03)

02. Commercial Orchard. Means an orchard in which fruit is grown for commercial purposes under accepted industry, university agricultural extension service, and regulatory guidelines. (5-3-03)

03. Graded Culls. Means apples which have failed to meet industry quality standards for fresh markets, yet meet industry quality standards for processing purposes. (5-3-03)

04. Infested Area. Means an area where a regulated pest is known to be present and is capable of reproducing and maintaining a viable population. (5-3-03)

05. Threatened with Infestation. Means the entire commercial orchard is threatened with infestation when an outside boundary is within one-half (1/2) mile of an established regulated pest even if a portion of the commercial orchard is beyond one-half (1/2) mile of an established regulated pest. (5-3-03)

011. – 099. (RESERVED)

100. REGULATED PESTS.

01. Apple Maggot (*Rhagoletis pomonella*). (5-3-03)

02. Cherry Fruit Fly (*Rhagoletis cingulata* complex, including *R. indifferens* and *R. fausta*). (5-3-03)

101. REGULATED ARTICLES.

01. Apple Maggot. All fresh fruit of apple (including crabapple), cherry (except cherries that are commercial fruit), hawthorn (haw), pear (except pears that are commercial fruit from California, Idaho, Oregon, Utah, and Washington), plum, prune, quince, and rose hips are regulated under quarantine for apple maggot. (3-29-10)

02. Cherry Fruit Fly. All domestic and wild cherries and cherry trees. (5-3-03)

102. -- 189. (RESERVED)

190. REGULATED AREAS - APPLE MAGGOT.

01. Non-Infested Areas -- Within Idaho. The entire counties of Canyon, Owyhee and Payette; portions of the counties of Gem and Washington lying south of the quarantine areas as outlined in Subsections 190.02.a. and 190.02.b. (5-3-03)

02. Infested Areas -- Within Idaho. The following areas are declared by the director to be under quarantine for Apple maggot: the counties of Franklin, Oneida, Caribou, Ada, Boise and Gooding; and portions of Gem and Washington counties as outlined in Subsections 190.02.a. and 190.02.b. (5-3-03)

a. Gem County Quarantine Area. Those portions of Gem county lying northerly of a line described as follows: Commencing at the Northwest corner of Section 3, T.7N, R.2W; thence East along section lines to the Northwest corner of Section 6, T.7N, R.1W; thence South along section lines to the Southwest corner of Section 7; thence East along section lines to the Northeast corner of Section 15, T.7N, R.1W; thence South along section lines to the middle of the main channel of the Payette River; thence easterly along said river to the East line of the county. (5-3-03)

b. Washington County Quarantine Area. Those portions of Washington county lying northerly of a line described as follows. Commencing at the Snake River at the Southern boundary of T.12N, R.7W; thence East along section lines to the Southwest corner of Section 35, T.12N, R.5W; thence North along section lines to the Northwest corner of Section 23, T.12N, R.5W; thence East along section lines to the Northwest corner of Section 21, T.12N, R.4W; thence South along section lines to the Southwest corner of Section 33, T.12N, R.4W; thence East along section lines to the Southwest corner of Section 31, T.12N, R.1E; thence East along section lines to the East line of the county. (5-3-03)

03. Infested Areas -- Outside of Idaho. All states or foreign countries or portion thereof where Apple maggot is known to occur. (5-3-03)

191. -- 299. (RESERVED)

300. RESTRICTIONS - APPLE MAGGOT.

01. Certification Required. Regulated articles described in this quarantine that are produced in or shipped from infested areas are prohibited movement into or within the state of Idaho unless a certificate accompanies the shipment evidencing compliance with Subsections 300.03, 300.04, 300.05, or 300.07. No certificate is required for regulated articles meeting the requirements of Subsections 300.02 or 300.06. (5-3-03)

02. Reshipments in Original Containers. Regulated articles in original unopened containers, each bearing labels or other identifying marks evidencing origin outside an infested area, may be reshipped to the regulated area from any point within the area under quarantine. (5-3-03)

03. Repacked Regulated Articles. Regulated articles may be repacked and shipped by common carrier from any point within an infested regulated area provided that each lot or shipment is accompanied by a certificate stating that the regulated articles have been grown outside an infested regulated area and have had their identity continuously maintained while in an infested regulated area. The certificate shall contain the following information: (5-3-03)

- a. The county in which the regulated articles were grown. (5-3-03)
- b. The point of repacking and reshipment. (5-3-03)
- c. The amount and kind of regulated articles comprising the lot or shipment. (5-3-03)
- d. The names and addresses of the shipper and consignee. (5-3-03)

04. Apples Exposed to Controlled Atmosphere Storage. Apples exposed for a continuous period of ninety (90) days, during which period the temperature within the storage room has been maintained at thirty-eight (38) degrees Fahrenheit or less, may be admitted into the regulated area, provided that the storage room or building is approved by the Director of Agriculture as a controlled atmosphere facility, and each lot or shipment of such apples to the regulated area is accompanied by a certificate, as provided in Subsection 300.01. (5-3-03)

05. Shipments From Cold Storage. Regulated articles described in Subsection 101.01 which are held in cold storage for a continuous period of forty (40) days or more, during which period the temperature within the storage room is maintained at thirty-two (32) degrees Fahrenheit or less, may be admitted into the regulated area, provided that each lot or shipment is accompanied by a certificate as stated in Subsection 300.01 evidencing compliance with the minimum temperature requirements. (5-3-03)

06. Solid Frozen Fruits Exempt. No restrictions are placed on the movement of fruits which upon arrival are frozen solid and which are under refrigeration to assure their solid frozen state. (5-3-03)

07. Regulatory and Control Measures. Regulatory and control measures may be prescribed by the Director within designated areas to prevent or minimize the possible movement of Apple maggot from commercial orchards. When it has been determined that commercial fruit of apple (including crabapple), hawthorn (both native and ornamental), plum, prune, peach and apricot trees (except graded culls – see Subsection 300.07.b.iii.) may be infested with or threatened with infestation by Apple maggot, the fruit shall be sampled by an investigator, following accepted industry procedures for sampling and inspection for presence of Apple maggot. (5-3-03)

- a. If found to be free from Apple maggot, a certificate as provided for in Subsection 300.01 shall be issued. (5-3-03)
- b. If found to be infested with Apple maggot, one (1) or more of the following procedures shall be prescribed before fresh fruit of apple (including crabapple) and hawthorn (both native and ornamental) are moved from designated or regulated areas. (5-3-03)
 - i. Fresh fruit to be exposed to controlled atmosphere storage as provided in Subsection 300.04. (5-3-03)
 - ii. Fresh fruit to be exposed to cold storage as provided in Subsection 300.05. (5-3-03)
 - iii. Graded culls shall be subject to Subsections 300.07.b.i. or 300.07.b.ii. (5-3-03)

08. Infested or Damaged Regulated Articles. All regulated articles as described in Section 101.01 known, or found to be infested with, or damaged by Apple maggot shall not be sold, held for sale, or offered for sale, except as provided for in Subsections 300.04 and 300.05. (5-3-03)

301. -- 399. (RESERVED)

400. REGULATED AREAS - CHERRY FRUIT FLY.

01. Canyon County, Idaho. The following is hereby designated an area of mandatory control for Cherry fruit fly: Commencing at the corner common to Sections 22, 23, 26 and 27 of Township 4 North, Range 5 West, Boise, Meridian; thence South to the Snake River to the point formed by section line between Sections 11 and 14 in Township 2 North, Range 4 West, Boise, Meridian; then East along said section line projected to where said line meets Lake Lowell; thence northwesterly across Lake Lowell to a point on the section line between Sections 26 and 27 of Township 3 West, Range 3 North, Boise, Meridian where said line meets Lake Lowell; then North along said section line to a point which is the corner common to Sections 10, 11, 14 and 15 of Township 3 North, Range 3 West, Boise, Meridian; thence West to a point, the west corner common to Sections 7, 12, 13 and 18, Township 3 North, Range 3 West Boise, Meridian; thence North to a point the east corner common to Sections 1 and 12, Township 3 North, Range 4 West, Boise, Meridian; thence West to a point the corner common to Sections 2, 3, 10 and 11, Township 3 North, Range 4 West, Boise, Meridian; thence North to a point which is the section corner common to Sections 26, 27, 34 and 35 of Township 4 North, Range 4 West, Boise, Meridian; thence West to a point which is the section corner common to Sections 27, 28, 33 and 34 of Township 4 North, Range 4 West, Boise, Meridian; thence North to a point which is the section corner common to Sections 21, 22, 27 and 28, Township 4 North, Range 4 West, Boise, Meridian; thence West to the point of beginning. (5-3-03)

02. Gem County, Idaho. The following is hereby designated an area of mandatory control for Cherry fruit fly: Commencing at the corner common to Sections 4 and 5 of T. 6 N., R. 3 W. B. M. and Sections 32 and 33 of T. 7 N., R. 3 W., B. M., which corner is on the West line of Gem County, Idaho; thence South along said county line to a point which is the Southwest corner of Section 33 of T. 6 N., R. 3 W., B. M.; thence East along the South line of said Section 33 to its Southeast corner; thence North along the East line of said Section 33; and continuing North along the extension of said line to a point which is the corner common to Sections 15, 16, 22 and 23 of T. 6 N., R. 3 W., B. M.; thence East along the section line between Sections 15 and 22 of T. 6 N., R. 3 W., B. M. to a point on the division line between Ranges 2 and 3 W., T. 6 N., B. M.; thence South along the division line between the said Ranges 2 and 3 W., T. 6 N., B. M., to the East corner common to Sections 24 and 25, T. 6 N., R. 3 W., B. M.; thence East to a point which is the East corner common to Sections 19 and 30 of T. 6 N., R. 2 W., B. M.; thence South to a point which is the East corner common to Sections 30 and 31, T. 6 N., R. 2 W., B. M.; thence East along the section line between said Sections 30 and 31, extended to a point which is the East corner common to Sections 29 and 32, T. 6 N., R. 1 W., B. M.; thence North to a point which is the East corner common to Sections 20 and 29, T. 6 N., R. 1 W., B. M.; thence East to a point which is the East corner common to Sections 21 and 28, T. 6 N., R. 1 W., B. M.; thence North to a point which is the East corner common to Sections 16 and 21, T. 6 N., R. 1 W., B. M.; thence East to a point which is the East corner common to Sections 15 and 22, T. 6 N., R. 1 W., B. M.; thence North to a point which is the East corner common to Sections 8 and 10, T. 6 N., R. 1 W., B. M.; thence East to a point which is the East corner common to Sections 2 and 11, T. 6 N., R. 1 W., B. M.; thence North to a point which would be the East corner common to Sections 23 and 26, T. 7 N., R. 1 W., B. M.; thence West to a point which is the Northwest corner of Section 25, T. 7 N., R. 2 W., B. M.; thence South to a point which is the Northwest corner of Section 1, T. 6 N., R. 2 W., B. M.; thence West to the point of beginning. (5-3-03)

401. -- 499. (RESERVED)

500. RESTRICTIONS - CHERRY FRUIT FLY.

01. Treatments Required. Each person, or his agent, located in Cherry fruit fly regulated areas as stated in Section 400 shall treat, or cause to be treated at his own expense, each of the regulated articles as listed in Subsection 101.02 on their property in order to minimize the population of the Cherry fruit fly. (5-3-03)

02. Chemical Treatments. Chemical treatments shall be carried out utilizing proper timing, methods and pesticides as recommended by the University of Idaho Cooperative Extension Service, approved for use on the commodity by the Environmental Protection Agency, and registered with the Idaho State Department of Agriculture. The regulated articles will be treated so as to effect the best control of the Cherry fruit fly, as per the pesticide label and University recommendations. (5-3-03)

03. Emergence. The date of the emergence of the first Cherry fruit fly in the county will be made public in the Cherry fruit fly regulated areas by the Department. The date of first emergence shall be determined by historical evidence, a population model utilizing degree-day accumulations or by actual trapping of adult individuals. (5-3-03)

04. Additional Spraying Responsibilities. The duty to treat cherry trees includes a similar duty to treat all parts of any type of tree within twenty (20) feet of any portion of a cherry tree, using methods specified in Subsection 500.02. (5-3-03)

05. Failure to Treat. In the event that the person or his agent fails or refuses to effect the treatment specified in Subsection 500.02, the Director shall carry out the treatment at the expense of the person in charge or possession of the tree(s), as provided under Title 22, Chapter 20, Idaho Code. (5-3-03)

501. – 609. (RESERVED)

610. SPECIAL PERMITS.

The Director may issue special permits admitting regulated articles covered in this quarantine not otherwise eligible for entry from the area under quarantine, subject to conditions and provisions, which the Director may prescribe to prevent introduction, escape or spread of the quarantine pests. (5-3-03)

611. -- 999. (RESERVED)

**IDAPA 02
TITLE 06
CHAPTER 09**

02.06.09 – RULES GOVERNING INVASIVE SPECIES

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 22-1907, 22-2004, and 22-2006, Idaho Code. (3-29-10)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.09, “Rules Governing Invasive Species.” (3-29-10)

02. Scope. These rules govern the designation of invasive species, inspection, permitting, decontamination, recordkeeping and enforcement and apply to the possession, importation, shipping, transportation, eradication, and control of invasive species. (3-29-10)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (3-29-10)

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeal before the Idaho State Department of Agriculture under this chapter. Persons may be entitled to appeal agency actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (3-29-10)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (3-29-10)

005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS.

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006. IDAHO PUBLIC RECORDS ACT.

These rules are public records available for inspection and copying at the Department. (3-29-10)

007. -- 009. (RESERVED)

010. DEFINITIONS.

The following definitions apply in the interpretation and enforcement of this rule. (3-29-10)

01. Acts. Title 22, Chapter 19, Idaho Code, the “Idaho Invasive Species Act of 2008” and Title 22, Chapter 20, the “Idaho Plant Pest Act of 2002.” (3-29-10)

02. Aquatic Invertebrate Invasive Species. Those species listed in Section 800. (3-29-10)

03. Control. The abatement, suppression, or containment of an invasive species or pest population. (3-29-10)

04. Conveyance. A terrestrial or aquatic vehicle or a vehicle part that may carry or contain an invasive species or plant pest. A conveyance includes a motor vehicle, a vessel, a motorboat, a sailboat, a personal watercraft, a container, a trailer, or any other means or method of transportation. “Conveyance” also includes a live well or a bilge area. (3-29-10)

05. Dreissenia Infested Waterbody. Body of water designated by the United States Geological Survey, <http://nas.er.usgs.gov/taxgroup/mollusks/zebramussel/>, or the Director as having a population of any life stage of *Dreissenia* mussels. (3-29-10)

06. Early Detection/Rapid Response. Finding invasive species during the initial stages of colonization and then responding within ten (10) days. (3-29-10)

07. Energy Crop Invasive Species. An Energy Crop Invasive Species is a non-native plant grown to harvest for use in making biofuels, such as bioethanol, or combusted for its energy content to generate electricity or heat. Energy Crop Invasive Species are non-native plants that are cultivated for the purpose of producing (non-food) energy. (3-20-14)

08. Equipment. An article, tool, implement, or device capable of carrying or containing: (3-29-10)

a. Water; or (3-29-10)

b. An invasive species. (3-29-10)

09. Facility. Any place, site or location or part thereof where a species listed as invasive pursuant to this rule are found, handled, housed, held, planted, or otherwise maintained for purposes governed by a possession, production, or transport permit issued pursuant to these rules and includes, but is not limited to all fields, plats, buildings, lots, structures, and other appurtenances and improvements on the land. (3-20-14)

10. Possession. The act of cultivating, importing, exporting, shipping or transporting a listed invasive species in Idaho. Possession does not include the act of having, releasing or transporting a listed invasive species through circumstances beyond individual control, including but not limited to infestations in a water supply system, infestations resulting from natural spread of the species or some other acts of nature. (3-29-10)

11. Trap Crop Invasive Species. A Trap Crop Invasive Species is a non-native plant species planted for purposes of controlling or eradicating a Plant Pest, as defined in the Idaho Plant Pest Act of 2002. (3-20-14)

12. Water Body. Natural or impounded surface water, including a stream, river, spring, lake, reservoir, pond, wetland, tank and fountain. (3-29-10)

13. Water Supply System. A system used to treat, store, convey, or distribute water for irrigation, industrial, waste water treatment, residential, or culinary use. A Water Supply System includes a pump, canal, ditch, regulating impoundment, in-canal forebay, pipeline, or associated wetland and water quality improvement project, but does not include a Water Body as defined in Subsection 010.19. (3-29-10)

011. ABBREVIATIONS.

01. AIIS. Aquatic Invertebrate Invasive Species. (3-29-10)

02. EDRR. Early Detection/Rapid Response. (3-29-10)

03. HACCP. Hazard Analysis and Critical Control Points. (3-29-10)

012. – 100. (RESERVED)

101. PROHIBITION ON POSSESSION, IMPORTATION, SHIPPING OR TRANSPORTATION OF INVASIVE SPECIES.

No person may possess, cultivate, import, ship, or transport any invasive species, including but not limited to an Energy Crop Invasive Species or Trap Crop Invasive Species, into or through the state of Idaho following the effective date of this rule, unless the person possessing, importing, shipping or transporting has obtained a permit under Section 103, or unless otherwise exempt by this rule, as set forth in Section 104. Prohibited acts include but are not limited to: (3-20-14)

01. Possession or Transportation. Possessing, cultivating, importing, exporting, shipping, or transporting an invasive species into or through the state of Idaho. (3-29-10)

02. Releasing. Releasing, placing, planting, or causing to be released, an invasive species in a water body, facility, water supply system, field, garden, planted area, ecosystem, or otherwise into the environment within the state of Idaho. (3-29-10)

03. Transporting From an Infested Environment. Transporting a conveyance or equipment into or through the state of Idaho that has been in an infested environment without obtaining a Department-approved decontamination of the conveyance or equipment. (3-29-10)

04. Transporting an Infested Article. Transporting, importing or shipping any plant, animal, mode of transportation, conveyance, or article that is infested with an invasive species into or through the state of Idaho without obtaining a Department-approved decontamination of the object. (3-29-10)

102. INTRODUCTION OF NEW SPECIES TO THE STATE.

Following the effective date of this rule, no person may introduce or import a species not previously present in Idaho without first receiving a determination from the Department that the species is not an invasive species. (3-29-10)

103. POSSESSION PERMITS.

Possession of invasive species is authorized only if the person possessing the species obtains a possession permit. (3-20-14)

01. Application for Possession Permits. Persons seeking a possession permit must make application on a form prescribed by the Director. A separate application must be submitted for each facility where invasive species will be possessed. The application must include: (3-29-10)

- a.** The applicant's name, address (residence and mailing), and Employer or Tax Identification Number. (3-29-10)
- b.** Description of the proposed facility, including: (3-29-10)
 - i.** A map identifying the location of the proposed facility; (3-29-10)
 - ii.** The legal description of the real property for the proposed facility; (3-29-10)
 - iii.** The approximate total area of the proposed facility; (3-29-10)
 - iv.** A detailed diagram of proposed facility, (3-29-10)
 - v.** A detailed confinement or HACCP Plan if applicable. (3-29-10)
- c.** Name and address of the owner(s) and/or operator(s) of the proposed facility, if different than the applicant. If the proposed facility will be leased, a written and notarized authorization by the property owner must be included. (3-29-10)
- d.** A copy of local zoning authority approval, if approval is required by the local zoning authority. (3-29-10)
- e.** Description of the invasive species to be possessed at the facility, including, to the extent possible, the genus, species, sex, life state, age, identification, and purpose for possessing each species. (3-29-10)
- f.** The date upon which the proposed facility will be available for inspection by the Department, which must be not less than seven (7) days prior to the time the invasive species are possessed at the proposed facility. (3-29-10)

02. Application Process. The Director will consider all information in the application and issue a written decision granting or denying the application. In reviewing the application, the Director will consider factors including but not limited to: (3-29-10)

- a. Proximity of the facility to agricultural operations, and environmentally sensitive lands and waters. (3-29-10)
- b. Potential for access to the facility by unauthorized persons. (3-29-10)
- c. Potential for vandalism, adverse weather, or other events that compromise the security of the facility. (3-29-10)
- d. Potential for the invasive species to escape or be released from the facility. (3-29-10)
- e. Whether, based on the applicant's certification and any other evidence received by the Director in connection with the application or proposed facility, all federal, state, county and city laws applicable to the facility have been met. (3-29-10)
- f. Whether the applicant has adequate knowledge, experience and training to ensure that the invasive species will not harm agriculture, the natural resources and environment of the state of Idaho. Such experience may be documented by a log book, employment records, education records or other means by which experience may be authenticated. (3-29-10)
- g. Whether the facility is or will be adequately designed, constructed, and managed to protect agriculture, the natural resources and environment of the state of Idaho from escape of the invasive species. (3-29-10)
- h. Prior to issuing a possession permit, the Director or his designee may perform an inspection of the facility to determine if its design, construction and proposed operation is consistent with the applicable provisions of Idaho law. (3-29-10)

03. Grant or Denial of the Permit. Following review of the application and any other relevant information, the Director will either issue the possession permit or deny the application and notify the applicant. If the Director issues the permit, he may include any necessary conditions to prevent release or escape of the invasive species, and to prevent harm to Idaho's agriculture, natural resources, and the environment. (3-29-10)

04. Duration of Possession Permit. A possession permit is valid until the permitted person no longer possesses the invasive species, or until the invasive species leaves the state. (3-29-10)

05. Permit Revocation. Permits issued pursuant to this chapter may be revoked at any time if the director or his designee finds that the permit holder has violated any of the provisions of this chapter, the Invasive Species Act, the Plant Pest Act, or any of the conditions included in the permit. (3-29-10)

06. Disposition of Non-Permitted Invasive Species. The Director may order non-permitted or illegally imported invasive species to be removed from the state or destroyed. (3-29-10)

07. Annual Report. All permit holders shall submit a report no later than January 1 of each calendar year, on forms provided by the Department. (3-29-10)

104. EXEMPT SPECIES.

The following species were present in portions of the state of Idaho prior to adoption of these Rules. However, they are not present throughout the state, and in accordance with the policy of the state of Idaho, as expressed in Idaho Code, Section 22-1902, the spread of these species should be prevented to the greatest extent possible. Therefore, the species listed below are exempt from the permit requirements of Sections 102 and 103, above. However, those seeking to transport the species listed in Section 104.01 outside the known established distribution area must obtain a transport permit in accordance with Section 104.03. (3-29-10)

- 01. Exempt Species List:** (3-29-10)
 - a. New Zealand Mud Snail, *Potamopyrgus antipodarum*; (3-29-10)
 - b. Bullfrog, *Lithobates catesbeianus*; (3-20-14)

- c. Asian Clam, *Corbicula fluminea*. (3-29-10)

02. Location of Known Established Populations. Known established distributions of the New Zealand Mud Snail, Bullfrog, and Asian Clam are identified and mapped online at <http://nas.er.usgs.gov/queries>. (3-20-14)

03. Transport Permits. Any person seeking to transport one of the species listed in Subsection 104.01 above outside of the known established distribution boundaries delineated in Subsection 104.02, above, must obtain a transport permit that will be valid for five (5) years. For the purposes of this rule, transport of these exempt species is assumed when biological organisms and associated water from aquaculture facilities and hatcheries is moved from known infested areas in the state. (3-20-14)

04. Application for Transport Permits. Persons seeking a transport permit must make application on a form prescribed by the Director. A separate application must be submitted for each facility from which invasive species will be transported. The application must include: (3-29-10)

a. The applicant's name, address (residence and mailing), and Employer or Tax Identification Number. (3-29-10)

b. Description of the facility of origin, including: (3-29-10)

i. A map identifying the location of the facility; (3-29-10)

ii. The legal description of the real property for the facility; (3-29-10)

iii. The approximate total area of the facility; (3-29-10)

iv. A detailed diagram of facility, (3-29-10)

v. A detailed HACCP Plan if applicable. (3-29-10)

c. Name and address of the owner(s) and/or operator(s) of the facility, if different than the applicant. If the proposed facility will be leased, a written and notarized authorization by the property owner must be included. (3-29-10)

d. Description of the invasive species to be transported from the facility, including the genus, species, sex, life state, age, and purpose for transporting the species. (3-29-10)

e. Description of self-contained areas needing draining or discharges of water during or after the transport of invasive species. (3-29-10)

f. Description of procedures to drain self contained areas after transport is complete, including: (3-29-10)

i. Into a municipal water treatment facility; or (3-29-10)

ii. Into an on-site waste treatment facility incorporating sand filtration and chlorination; or (3-29-10)

iii. As approved by the Department. (3-29-10)

105. ENERGY CROP POSSESSION/PRODUCTION PERMITS. Possession and/or production of Energy Crop Invasive Species is authorized only if the person possessing the species obtains an Energy Crop Invasive Species Possession/Production Permit ("Energy Crop Invasive Species Permit"). (3-20-14)

01. Application for Energy Crop Invasive Species Permits. Persons seeking an Energy Crop

Invasive Species Permit must make application on a form prescribed by the Director. A separate application must be submitted for each facility or field where the Energy Crop Invasive Species will be possessed and/or produced. The application must include: (3-20-14)

- a. The applicant's name, address (residence and mailing), and Employer or Tax Identification Number. (3-20-14)
- b. Description of the proposed facility, including: (3-20-14)
 - i. A map identifying the location of the proposed facility or field; (3-20-14)
 - ii. The legal description of the real property for the proposed facility or field; (3-20-14)
 - iii. The approximate total area of the proposed facility or field; (3-20-14)
 - iv. A detailed diagram of proposed facility or field; (3-20-14)
 - v. A detailed confinement plan if applicable; and (3-20-14)
 - vi. A detailed plan outlining survey and reconnaissance for escaped Energy Crop Invasive Species and a detailed plan for their control or elimination. (3-20-14)
- c. Name and address of the owner(s) and/or operator(s) of the proposed facility or field, if different than the applicant. If the proposed facility or field will be leased, a written and notarized authorization by the property owner must be included. (3-20-14)
- d. A copy of local zoning authority approval, if approval is required by the local zoning authority. (3-20-14)
- e. Description of the Energy Crop Invasive Species to be possessed at the facility or field, including, to the extent possible, the genus, species, sex, life state, age, identification, and purpose for possessing each species. (3-20-14)
- f. The date upon which the proposed facility or field will be available for inspection by the Department, which must be not less than seven (7) days prior to the time the Energy Crop Invasive Species are possessed at the proposed facility. (3-20-14)

02. Application Process. The Director will consider all information in the application and issue a written decision granting or denying the application. In reviewing the application, the Director will consider factors including but not limited to: (3-20-14)

- a. Proximity of the facility to other agricultural operations, and environmentally sensitive lands and waters. (3-20-14)
- b. Potential for access to the facility or field by unauthorized persons. (3-20-14)
- c. Potential for vandalism, adverse weather, or other events that compromise the security of the facility or field. (3-20-14)
- d. Potential for the Energy Crop Invasive Species to escape or be released from the facility or field. (3-20-14)
- e. Whether, based on the applicant's certification and any other evidence received by the Director in connection with the application or proposed facility, all federal, state, county and city laws applicable to the facility or field have been met. (3-20-14)
- f. Whether the applicant has adequate knowledge, experience and training to ensure that the Energy

Crop Invasive Species will not harm agriculture, the natural resources and environment of the state of Idaho. Such experience may be documented by a log book, employment records, education records or other means by which experience may be authenticated. (3-20-14)

g. Whether the facility or field is or will be adequately designed, constructed, and managed to protect agriculture, the natural resources and environment of the state of Idaho from release or escape of the Energy Crop Invasive Species. (3-20-14)

h. Prior to issuing an Energy Crop Invasive Species Permit, the Director or his designee may perform an inspection of the facility or field to determine if its design, construction and proposed operation is consistent with the applicable provisions of Idaho law. (3-20-14)

03. Grant or Denial of the Permit. Following review of the application and any other relevant information, the Director will either issue the permit or deny the application and notify the applicant. If the Director issues the permit, he may include any necessary conditions to prevent release or escape of the Energy Crop Invasive Species, and to prevent harm to Idaho's agriculture, natural resources, and the environment. (3-20-14)

04. Duration of Possession Permit. An Energy Crop Invasive Species Permit is valid for one (1) year. (3-20-14)

05. Permit Revocation. Permits issued pursuant to this section may be revoked at any time if the Director or his designee finds that the permit holder has violated any of the provisions of this chapter, the Invasive Species Act, the Plant Pest Act, or any of the conditions included in the permit. (3-20-14)

06. Disposition of Non-Permitted Invasive Species. The Director may order non-permitted or illegally imported Energy Crop Invasive Species to be removed from the state or destroyed. (3-20-14)

07. Annual Report. All permit holders shall submit a report no later than January 1 of each calendar year, on forms provided by the Department. (3-20-14)

106. TRAP CROP INVASIVE SPECIES PERMITS.

Production/research of Trap Crop Invasive Species is authorized only if the person possessing the species obtains a Trap Crop Production/Research Permit ("Trap Crop Invasive Species Permit"). (3-20-14)

01. Application for Trap Crop Invasive Species Permits. Persons seeking a Trap Crop Invasive Species Permit must make application on a form prescribed by the Director. A separate application must be submitted for each facility where Trap Crop Invasive Species will be researched or produced. The application must include: (3-20-14)

- a.** The applicant's name, address (residence and mailing), and Employer or Tax Identification Number. (3-20-14)
- b.** Description of the proposed facility, including: (3-20-14)
 - i.** A map identifying the location of the proposed facility; (3-20-14)
 - ii.** The legal description of the real property for the proposed facility; (3-20-14)
 - iii.** The approximate total area of the proposed facility; (3-20-14)
 - iv.** A detailed diagram of proposed facility; (3-20-14)
 - v.** A detailed confinement plan if applicable; and (3-20-14)
 - vi.** A detailed plan outlining survey and reconnaissance for escaped plants and a detailed plan for their control or elimination. (3-20-14)

c. Name and address of the owner(s) and/or operator(s) of the proposed facility, if different than the applicant. If the proposed facility will be leased, a written and notarized authorization by the property owner must be included. (3-20-14)

d. A copy of local zoning authority approval, if approval is required by the local zoning authority. (3-20-14)

e. Description of the Trap Crop Invasive Species to be possessed at the facility, including, to the extent possible, the genus, species, sex, life state, age, identification, and purpose for possessing each species. (3-20-14)

f. The date upon which the proposed facility will be available for inspection by the Department, which must be not less than seven (7) days prior to the time the Trap Crop Invasive Species is possessed at the proposed facility. (3-20-14)

02. Application Process. The Director will consider all information in the application and issue a written decision granting or denying the application. In reviewing the application, the Director will consider factors including but not limited to: (3-20-14)

a. Proximity of the facility to agricultural operations, and environmentally sensitive lands and waters. (3-20-14)

b. Potential for access to the facility by unauthorized persons. (3-20-14)

c. Potential for vandalism, adverse weather, or other events that compromise the security of the facility. (3-20-14)

d. Potential for the Trap Crop Invasive Species to escape or be released from the facility. (3-20-14)

e. Whether, based on the applicant's certification and any other evidence received by the Director in connection with the application or proposed facility, all federal, state, county and city laws applicable to the facility have been met. (3-20-14)

f. Whether the applicant has adequate knowledge, experience and training to ensure that the Trap Crop Invasive Species will not harm agriculture, the natural resources and environment of the state of Idaho. Such experience may be documented by a log book, employment records, education records or other means by which experience may be authenticated. (3-20-14)

g. Whether the facility is or will be adequately designed, constructed, and managed to protect agriculture, the natural resources and environment of the state of Idaho from escape of the Trap Crop Invasive Species. (3-20-14)

h. Prior to issuing a Trap Crop Invasive Species Permit, the Director or his designee may perform an inspection of the facility to determine if its design, construction and proposed operation is consistent with the applicable provisions of Idaho law. (3-20-14)

03. Grant or Denial of the Trap Crop Invasive Species Permit. Following review of the application and any other relevant information, the Director will either issue the Trap Crop Invasive Species Permit or deny the application and notify the applicant. If the Director issues the Trap Crop Invasive Species Permit, he may include any necessary conditions to prevent release or escape of the Trap Crop Invasive Species, and to prevent harm to Idaho's agriculture, natural resources, and the environment. (3-20-14)

04. Duration of Trap Crop Invasive Species Permit. A Trap Crop Invasive Species Permit is valid for one (1) year. (3-20-14)

05. Permit Revocation. Permits issued pursuant to this section may be revoked at any time if the Director or his designee finds that the permit holder has violated any of the provisions of this chapter, the Invasive

Species Act, the Plant Pest Act, or any of the conditions included in the permit. (3-20-14)

06. Disposition of Non-Permitted Invasive Species. The Director may order non-permitted or illegally imported Trap Crop Invasive Species to be removed from the state or destroyed. (3-20-14)

07. Annual Report. All permit holders shall submit a report no later than January 1 of each calendar year, on forms provided by the Department. (3-20-14)

107. -- 199. (RESERVED)

200. EARLY DETECTION AND RAPID RESPONSE AQUATIC INVERTEBRATE INVASIVE SPECIES.

01. Statewide EDRR AIIS List. If any of the species listed in the following table are found to occur in Idaho, they shall be reported to the Department immediately. Positive identification shall be made by the Department or other qualified authority as approved by the Director. Subsections 200.02 through 200.05 are applicable to EDRR AIIS only and not to other invasive species listed in Sections 800 through 808.

Early Detection Rapid Response Aquatic Invertebrate Invasive Species (EDRR AIIS) List	
Common Name	Scientific Name
Quagga Mussel	<i>Dreissenia bugensis</i>
Zebra Mussel	<i>Dreissenia polymorpha</i>

(3-29-10)

02. Transporting EDRR AIIS Over Public Roads. No person may transport Equipment or any Conveyance containing EDRR AIIS over public roads within the state of Idaho without first being decontaminated. (3-29-10)

03. Contaminated Conveyances in Idaho Waters. A person shall not place any EDRR AIIS contaminated Equipment or Conveyance into any Water Body or Water Supply System in the state of Idaho. (3-29-10)

04. Firefighting Equipment. Precautions should be taken to prevent the introduction and spread of EDRR AIIS through firefighting activities. All firefighting agencies moving equipment into the state of Idaho shall follow protocols similar to the United States Forest Service decontamination protocols set forth in "Preventing Spread of Aquatic Invasive Organisms Common to the Intermountain Region." Those protocols can be viewed online at http://www.fs.usda.gov/detail/r4/landmanagement/resourcemanagement/?cid=fsbdev3_016113. (3-29-10)

05. Construction and Road Building and Maintenance Equipment. Construction and equipment used for road building and maintenance must be free of EDRR AIIS. If equipment that is being transported into the state of Idaho has been in an infested water body or water supply system within the preceding thirty (30) days, the equipment must be inspected in accordance with Section 201. The Department may require decontamination. (3-29-10)

201. REPORTING REQUIREMENTS.

01. Discovery. Any person who discovers an EDRR AIIS within the state or who has reason to believe that an invasive species may exist at a specific location shall immediately report the discovery to the Department. (3-29-10)

02. Contents. The report shall, to the best of the reporter's ability, contain the following information: (3-29-10)

- a. Location of the invasive species; (3-29-10)
 - b. Date of discovery; and (3-29-10)
 - c. Identification of any conveyance, equipment, water body, or host in or upon which the invasive species may be found. (3-29-10)
- 03. Methods of Reporting.** The report shall be made in person or in writing (which may include electronic mail) as follows: (3-29-10)
- a. At any Department office or headquarters; (3-29-10)
 - b. To the Department's toll free hotline at 1-877-336-8687;or (3-29-10)
 - c. Via the Department's website at (www.agri.idaho.gov). (3-29-10)
- 04. Hold Harmless.** Reporting parties will be held harmless from violations pursuant to this chapter regarding possession of EDRR AIS. (3-29-10)

202. INSPECTIONS.

- 01. Qualified Inspectors.** Inspections to detect the presence of EDRR AIIS may be conducted by any authorized agent, private inspector or peace officer qualified and trained in accordance with the Department's requirements. (3-29-10)
- 02. Conveyances That Have Been in Infested Waters.** All persons transporting a conveyance must receive documentation of an inspection prior to launching in any water of the state if the vessel has been in infested water within the last thirty (30) days. (3-29-10)
- 03. All Other Conveyances.** All conveyances are subject to inspection. All compartments, equipment and containers that may hold water, including, but not limited to live wells and ballast and bilge areas shall be drained as part of all inspections. (3-29-10)
- 04. Inspection Methods.** Inspectors will determine if EDRR AIIS are present by interviewing the person transporting the conveyance and using visual and/or tactile inspection methods, or such other methods as may be appropriate and using forms supplied by the Department. (3-29-10)
- 05. Inspection Results.** Any authorized agent or private inspector or private decontaminator who, through the course of an inspection, determines that AIIS are present shall advise the operator that the conveyance is suspected of possessing EDRR AIIS and that it must be decontaminated according to Departmental procedures. (3-29-10)
- 06. Decontamination.** Any conveyance found or reasonably believed to contain EDRR AIIS shall be decontaminated in accordance with Section 204. (3-29-10)

203. HOLD ORDERS.

- 01. Hold Order.** If any person refuses to permit inspection or decontamination of his or her conveyance, that conveyance is subject to a hold order until the inspection and/or decontamination is complete. (3-29-10)
- 02. Notification to Owner.** If the person in charge of the conveyance is not the registered owner, the registered owner shall be notified by mail, return receipt requested, within five (5) days of the Hold Order. Such notification must also include Department contact information. If the registered owner is present when the Hold Order is issued, then the same information shall be provided to the registered owner at the time the order is issued. (3-29-10)

03. Release of Hold Order. Decontamination and proof of decontamination, in accordance with Section 204, is necessary in order for the Hold Order to be released. The Hold Order must be released in writing, and may be released only by the Director or his designee. (3-29-10)

204. EDRR AIIS DECONTAMINATION.

01. Decontamination Protocol. All decontamination must be accomplished by Department-approved service providers, using Department protocol. All decontamination methods must be in accordance with all applicable laws, disposal methods, recommended safety precautions, and safety equipment and procedures. (3-29-10)

02. Reinspection. After decontamination, the Department or its authorized agent must re-inspect the conveyance to ensure complete decontamination prior to releasing the conveyance and any associated Hold Order. (3-29-10)

03. Proof of Decontamination. Proof of decontamination will consist of a completed post-decontamination inspection form and application of a tamper-proof seal to the conveyance. (3-29-10)

205. -- 799. (RESERVED)

800. INVASIVE SPECIES - AQUATIC INVERTEBRATES.

01. Zebra Mussel, *Dreissenia polymorpha*. (3-29-10)

02. Quagga Mussel, *Dreissenia bugensis*. (3-29-10)

03. New Zealand Mud Snail, *Potamopyrgus antipodarum*. (3-29-10)

04. Red Claw Crayfish, *Cherax quadricarinatus*. (3-29-10)

05. Yabby Crayfish, *Cherax albidus/C. destructor*. (3-29-10)

06. Marone Crayfish, *Cherax tenuimanus*. (3-29-10)

07. Marbled Crayfish, (*Procambarus marmoratus*). (3-29-10)

08. Rusty Crayfish, *Orconectes rusticus*. (3-29-10)

09. Asian Clam, *Corbicula fluminea*. (3-29-10)

10. Spiny Waterflea, *Bythotrephes cederstroemi*. (3-29-10)

11. Fishhook Waterflea, *Cercopagis pengoi*. (3-29-10)

12. Marmoratus, *Procambarus* sp. (3-29-10)

801. INVASIVE SPECIES - FISH.

01. Green Sturgeon, *Acipenser medirostris*. (3-29-10)

02. Walking Catfish, *Clariidae*. (3-29-10)

03. Bowfin, *Ania Calva*. (3-29-10)

04. Gar, *Lepiostidae*. (3-29-10)

05. Piranhas, *Serrasalmus* spp., *Rosseveltella* spp., *Pygocentrus* spp. (3-29-10)

- 06. Rudd, *Scardinius erythrophthalmus*. (3-29-10)
- 07. Ide, *Leuciscus idus*. (3-29-10)
- 08. Diploid Grass Carp, *Ctenopharyngoden idella*. (3-29-10)
- 09. Bighead Carp, *Hypophthalmichthys nobilis*. (3-29-10)
- 10. Silver Carp, *Hypophthalmichthys molitrix*. (3-29-10)
- 11. Black Carp, *Mylopharyngodeon piceus*. (3-29-10)
- 12. Snakeheads, *Channa spp.*, *Parachanna spp.* (3-29-10)
- 13. Round Goby, *Neogobius melanostomas*. (3-29-10)
- 14. Ruffe, *Gymnocephalus cernuus*. (3-29-10)
- 802. INVASIVE SPECIES - AMPHIBIANS.
 - 01. Rough-skinned Newt, *Taricha granulose*. (3-29-10)
 - 02. Bullfrog, *Lithobates catesbeianus*. (3-29-10)
- 803. INVASIVE SPECIES - REPTILES.
 - 01. Red-eared Slider, *Trachemys scripta elegans*. (3-29-10)
 - 02. Mediterranean Gecko, *Hemidactylus turcicus*. (3-29-10)
 - 03. Common Wall Lizard, *Podarcis muralis*. (3-29-10)
 - 04. Italian Wall Lizard, *Podarcis sicula*. (3-29-10)
 - 05. Brahminy Blindsnake, *Ramphotyphlops braminus*. (3-29-10)
 - 06. Snapping Turtle, *Chelydra serpentina*. (3-29-10)
- 804. INVASIVE SPECIES - BIRDS.
 - 01. Monk Parakeet, *Myiopsitta monachus*. (3-29-10)
- 805. INVASIVE SPECIES - MAMMALS.
 - 01. Nutria, *Myocastor coypus*. (3-29-10)
- 806. INVASIVE SPECIES - INSECTS.
 - 01. Asian Longhorned Beetle, *Anoplophora glabripennis*. (3-29-10)
 - 02. Citrus Longhorned Beetle, *Anoplophora chinensis*. (3-29-10)
 - 03. Emerald Ash Borer, *Agrilus planipennis*. (3-29-10)
 - 04. Marmorated Stink Bug, *Halyomorpha halys*. (3-29-10)
 - 05. European Woodwasp, *Sirex noctilio*. (3-29-10)

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| 06. | European Gypsy Moth, <i>Lymantria dispar</i> . | (3-29-10) |
| 07. | Asian Gypsy Moth, <i>Lymantria dispar</i> . | (3-29-10) |
| 08. | Soybean Aphid, <i>Aphis glycines</i> . | (3-29-10) |
| 09. | Potato Tuber Moth, <i>Tecia solanivora</i> . | (3-29-10) |
| 10. | Japanese Beetle, <i>Popillia japonica</i> . | (3-20-14) |
| 11. | Mexican Bean Beetle, <i>Epilachna varivestis</i> . | (3-29-10) |
| 12. | Kaphra Beetle, <i>Trogoderma granarium</i> . | (3-29-10) |
| 13. | Red Imported Fire Ant, <i>Solenopsis invicta</i> . | (3-29-10) |
| 14. | Glassy-winged Sharpshooter, <i>Homalodisca vitripennis</i> . | (3-20-14) |
| 15. | Grape Phylloxera, <i>Daktulosphaira vitifoliae</i> . | (3-29-10) |
| 16. | Vine Mealybug, <i>Planococcus ficus</i> . | (3-29-10) |
| 17. | Summer Fruit Tortix, <i>Adoxophyes orana</i> . | (3-29-10) |
| 18. | Silver Y Moth, <i>Autographa gamma</i> . | (3-20-14) |
| 19. | False Codling Moth, <i>Cryptophlebia leucotreta</i> . | (3-20-14) |
| 20. | Light Brown Apple Moth, <i>Epiphyas postvittana</i> . | (3-29-10) |
| 21. | Apple Tortrix, <i>Archips fuscocupreanus</i> . | (3-29-10) |
| 22. | Pine Shoot Beetle, <i>Tomicus piniperda</i> . | (3-29-10) |
| 23. | Cherry Bark Tortrix, <i>Enarmonia formosana</i> . | (3-29-10) |
| 24. | Apple Ermine Moth, <i>Yponomeuta malinellus</i> . | (3-20-14) |
| 25. | Cherry Ermine Moth, <i>Enarmonia formosana</i> . | (3-29-10) |
| 26. | European Grape Vine Moth, <i>Lobesia botrana</i> . | (3-29-10) |
| 27. | European Grape Berry Moth, <i>Eupoecilia ambiguella</i> . | (3-29-10) |
| 28. | Plum Fruit Moth, <i>Cydia funebrana</i> . | (3-29-10) |
| 29. | Plum Curculio, <i>Conotrachelus nenuphar</i> . | (3-29-10) |
| 30. | Leek Moth, <i>Acrolepiopsis assectella</i> . | (3-29-10) |
| 31. | Bee Mite, <i>Tropilaelaps clareae</i> . | (3-20-14) |
| 32. | Small Hive Beetle, <i>Aethina tumida</i> . | (3-29-10) |
| 33. | Africanized Honey Bee, <i>Apis mellifera</i> . | (3-29-10) |

34. **Black Currant Gall Mite, *Cecidophyopsis ribis*.** (3-29-10)
35. **Exotic Bark Beetles, (Scolytidae):** (3-29-10)
- a. *Scolytus mali*. (3-29-10)
- b. *Xylosandrus crassiusculus*. (3-29-10)
- c. *Xylosandrus germanus*. (3-29-10)
- d. *Xyleborus californicus*. (3-29-10)
36. **Sunni Bug, *Eurygaster integriceps*.** (3-20-14)
37. **German Yellowjacket, *Vespula germanica*.** (3-29-10)
38. **European Paper Wasp, *Polistes dominulus*.** (3-29-10)
39. **European Elm Bark Beetle, *Scolytus multistriatus*.** (3-29-10)
40. **Banded Elm Bark Beetle, *Scolytus schevyrewi*.** (3-29-10)
41. **Wheat Blossom Midge, *Sitodiplosis mosellana*.** (3-29-10)
42. **Potato Tuberworm, *Phthorimeaea operculella*.** (3-29-10)
43. **Pink Hibiscus Mealybug, *Maconellicoccus hirsutus*.** (3-20-14)
44. **Bean Plataspid (Kudzu Bug), *Megacopta cribraria*.** (3-20-14)
- 807. INVASIVE SPECIES - PLANT PATHOGENS AND PARASITIC NEMATODES.**
01. **Phytophthora blight (nursery stock), *Phytophthora ramorum*, *Phytophthora kernoviae*.** (3-20-14)
02. **Karnal Bunt, *Tilletia indica*.** (3-29-10)
03. **Bean Common Mosaic Necrosis Virus (strain NL-3 and NL-5).** (3-29-10)
04. **Potato Wart, *Synchytrium endobioticum*.** (3-29-10)
05. **Golden Nematode, *Globodera rostochiensis*.** (3-29-10)
06. **Soybean Cyst Nematode, *Heterodera glycines*.** (3-29-10)
07. **Bacterial Wilt of Alfalfa, *Clavibacter michiganensis* spp. *insidiosus*.** (3-29-10)
08. **Wheat Seed Gall Nematode, *Anguina tritici*.** (3-29-10)
09. **Pine Wilt Nematode, *Bursaphelenchus xylophilus*.** (3-29-10)
10. **Brown Rot of Potatoes, *Ralstonia solanacearum*, race 3, biovar 2 (alternate hosts include tomato, pepper, eggplant, and some greenhouse plants including geranium).** (3-29-10)
11. **Java Downy Mildew of Corn, *Peronosclerospora maydis*.** (3-29-10)
12. **Philippine Downy Mildew of Corn, *Peronosclerospora philipeninsis*.** (3-29-10)

13. Asian Soybean Rust, *Phakospora pachyrhizi*. (3-29-10)
14. Plum Pox Potyvirus. (3-29-10)
15. Cherry Leaf Roll Virus. (3-29-10)
16. Stewart's Wilt of Corn, *Pantoea stewartii*. (3-29-10)
17. Brown Stripe Downy Mildew of Corn, *Sclerophthora rayssiae* var. *zeae*. (3-29-10)
18. Potato Spindle Tuber Viroid. (3-29-10)
19. Pierce's Disease of Grapes, *Xylella fastidiosa*. (3-29-10)
20. Black Currant Reversion Disease. (3-29-10)
21. Powdery Mildew of Hops, *Sphaerotheca macularis* (s. *humuli*). (3-29-10)
22. Wheat Smut, *Tilletia tritici*. (3-29-10)
23. Wheat Scab, *Fusarium graminearum*. (3-20-14)
24. Potato Ring Rot, *Clavibacter michiganensis* subsp. *sepidonicus*. (3-20-14)
25. Potato Late Blight, *Phytophthora infestans*. (3-29-10)
26. Onion White Rot, *Sclerotium cepivorum*. (3-20-14)
27. White Pine Blister Rust, *Cronartium ribicola*. (3-29-10)
28. Potato Mop Top Virus, PMTV. (3-29-10)
29. Black Stem Rust, *Puccinia graminis* f.sp. *tritici* Race *UG99*. (3-20-14)
30. Apple proliferation phytoplasma, *Candidatus Phytoplasma mali*. (3-20-14)
808. INVASIVE SPECIES - INVASIVE MOLLUSKS (TERRESTRIAL SNAILS AND SLUGS).
 01. Green or Burrowing Snail, *Cantareus apertus*. (3-29-10)
 02. Pulmonate Snail, *Helix pomatia*. (3-29-10)
 03. White Garden Snail, *Theba pisana*. (3-29-10)
 04. Giant African Snail, *Achatha fulica*. (3-29-10)
 05. Lactea Snail, *Otala lacteal*. (3-29-10)
 06. Maritime Garden Snail, *Cerneuella virgata*. (3-29-10)
 07. Brown Garden Snail, *Cryptomphalus aspersa*. (3-29-10)
 08. Wrinkled Snail, *Candidula intersecta*. (3-29-10)
 09. Chinese Mysterysnail, *Bellamyia chinensis*. (3-29-10)

- 10. Japanese Mysterysnail, *Bellamyia japonica*. (3-29-10)
- 11. Applesnail, *Pomacea* spp. (3-29-10)
- 12. Marisa, *Marisa cornuarietis*. (3-29-10)
- 13. Red-lipped Melania, *Melanooides tuberculata*. (3-29-10)
- 14. Quilted Melania, *Tarebia granifera*. (3-29-10)
- 15. Decollate Snail, *Rumina decollate*. (3-29-10)
- 16. Faucet Snail, *Bithynia tentaculata*. (3-29-10)
- 809. INVASIVE SPECIES - INVASIVE PLANTS: ENERGY CROPS.
 - 01. Giant Reed, *Arundo donax* (and hybrids). (3-20-14)
 - 02. Switch Grass, *Panicum virgatum* (and hybrids). (3-20-14)
 - 03. Kudzu, *Pueraria montana* (and hybrids). (3-20-14)
 - 04. Chinese Silver Grass, *Miscanthus giganteus* (and hybrids). (3-20-14)
 - 05. Purging Nut, *Jatropha curcus* (and hybrids). (3-20-14)
 - 06. Cold Tolerant Eucalyptis (and hybrids). (3-20-14)
- 810. INVASIVE SPECIES - INVASIVE PLANTS: TRAP CROPS.
 - 01. Litchi Tomato, *Solanum sisymbriifolium* (and hybrids) otherwise known as Sticky nightshade or Fire and Ice. (3-20-14)
 - 02. Black Nightshade, *Solanum nigrus* (and hybrids). (3-20-14)
- 811. -- 999. (RESERVED)

**IDAPA 02
TITLE 06
CHAPTER 10**

02.06.10 – RULES GOVERNING THE PALE CYST NEMATODE

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 22-2013, Idaho Code. (4-7-11)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.10, “Rules Governing the Pale Cyst Nematode.” (4-7-11)

02. Scope. The purpose and goal of this rule is to prevent the spread of Pale Cyst Nematode throughout Idaho and the United States. (4-7-11)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (4-7-11)

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeals before the Idaho State Department of Agriculture under this chapter. Hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code. (4-7-11)

004. INCORPORATION BY REFERENCE.

Copies of these documents may be viewed at the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, Boise, Idaho 83701. IDAPA 02.06.10 incorporates by reference: (4-7-11)

01. 7 CFR Part 301 SubPart - Pale Cyst Nematode. Sections 301.86 through 301.86-9 as published under Docket No. APHIS-2006-0143 in the Federal Register Volume 72, No. 176, Wednesday, September 12, 2007, and as amended under Docket No. APHIS-2006-0143 published in the Federal Register Vol. 74, No. 81, Wednesday, April 29, 2009, and except as amended below in this rule. (4-7-11)

02. USDA APHIS PPQ Treatment Manual Schedule T406-d, Revision 10, September 2006. (4-7-11)

03. 7 CFR Part 305 - Phytosanitary Treatments, as revised September 12, 2007. (4-7-11)

005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS.

The Idaho State Department of Agriculture central office is located at 2270 Old Penitentiary Road, Boise, ID 83712-8298. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The mailing address is PO Box 7249, Boise, Idaho 83707. The phone number is (208) 332-8500 and the fax number is (208) 334-2170. The Department web address is <https://agri.idaho.gov/>. (6-30-19)T

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records and are available for inspection and copying at the department. (4-7-11)

007. -- 009. (RESERVED)

010. DEFINITIONS AND TERMS.

The Idaho State Department of Agriculture adopts the definitions set forth in Title 22, Chapter 20, Idaho Code. In addition, as used in this chapter: (4-7-11)

01. Inspector. Any employee of ISDA, APHIS, the U.S. Department of Agriculture, or other person authorized by the USDA APHIS Administrator or ISDA Director to perform the duties required under this rule. (4-7-11)

02. Interstate. From any state into or through any other state. (4-7-11)

03. Intrastate. Movement within the boundaries of the state of Idaho. (4-7-11)

011. ABBREVIATIONS.

01. APHIS. Animal and Plant Health Inspection Service. (4-7-11)

02. ISDA. Idaho State Department of Agriculture. (4-7-11)

03. PCN. Pale Cyst Nematode. (4-7-11)

04. PPQ. Plant Protection and Quarantine. (4-7-11)

05. USDA. United States Department of Agriculture. (4-7-11)

012. INTRASTATE MOVEMENT.

No regulated articles may move within the state of Idaho without complying with the federal regulations, as incorporated by reference in Subsection 004.01 in this rule. (4-7-11)

013. QUARANTINED AREAS.

Those areas of the State quarantined or regulated for PCN under 7 CFR Part 301 Sections 301.86-3 as published on the USDA APHIS PPQ internet website at http://www.aphis.usda.gov/plant_health/plant_pest_info/potato/pcn.shtml. (4-7-11)

014. RESTRICTIONS.

01. Movement From a Non-Quarantined Area. Movement of regulated articles from a non-quarantined area is subject to inspection by an inspector. Permits and certifications are not required. (4-7-11)

02. Movement From a Quarantined Area. Movement of regulated articles from a quarantined area is subject to the provision of Section 015 of this rule. (4-7-11)

03. Other Restrictions. No potatoes, tomatoes, eggplants, or any other known host crops may be planted in the infested fields. Soil must not be moved from the infested fields. Any equipment leaving the infested fields must be sanitized and certified using USDA APHIS approved protocols. (4-7-11)

04. Seed Potatoes. Seed potatoes may not be grown in a quarantined area. (4-7-11)

05. Exemptions. Host plant material may be planted in infested fields under the authorization and supervision of the USDA and Idaho State Department of Agriculture eradication program. (4-7-11)

015. CONDITIONS FOR INTRASTATE OR INTERSTATE MOVEMENT OF REGULATED ARTICLES.

Regulated articles may only be moved intrastate or interstate from a quarantined area by a person under a compliance agreement if accompanied by a certificate or limited permit issued by an inspector in accordance with 7 CFR Part 301 Sections 301.86-4 and 5 as incorporated by reference in Section 004 of this rule. (4-7-11)

016. -- 019. (RESERVED)

020. INSPECTION, SAMPLING, AND TESTING.

In order to accomplish the purposes of this rule, an inspector may enter upon and inspect any public or private premises, lands, means of conveyance, or article of any person within this State, for the purpose of inspecting, surveying, sampling, testing, treating, controlling, or destroying any soil, plant, or plant material thought to or found to contain or be infested with Pale Cyst Nematode. (4-7-11)

021. – 999. (RESERVED)

**IDAPA 02
TITLE 06
CHAPTER 11**

02.06.11 – RULES GOVERNING EUROPEAN CORN BORER

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 22-2004, 22-2006 and 22-2013, Idaho Code. (6-30-19)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.11, “Rules Governing European Corn Borer.” (5-3-03)

02. Scope. This chapter has the following scope: These rules are to prevent the introduction of European corn borer into Idaho. (5-3-03)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (5-3-03)

003. ADMINISTRATIVE APPEAL.

Hearing and appeal rights are set forth in Title 67, Chapter 52, Idaho Code. (5-3-03)

004. INCORPORATION BY REFERENCE.

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

005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS.

The Idaho State Department of Agriculture central office is located at 2270 Old Penitentiary Road, Boise, ID 83712-8298. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The mailing address is PO Box 7249, Boise, Idaho 83707. The phone number is (208) 332-8500 and the fax number is (208) 334-2170. The Department web address is <https://agri.idaho.gov/>. (6-30-19)T

006. PUBLIC RECORDS ACT COMPLIANCE.

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

007. – 009. (RESERVED)

010. DEFINITIONS.

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

011. (RESERVED)

012. REGULATED PEST.

European corn borer (*Ostrinia nubilalis*). (5-3-03)

013. -- 049. (RESERVED)

050. AREA AND ARTICLES UNDER QUARANTINE.

01. Infested Area. (7-1-93)

a. Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia. (7-1-93)

b. In Florida, the counties of Calhoun, Escambia, Gadsden, Hamilton, Holmes, Jackson, Jefferson, Madison, Okaloosa, and Santa Rosa. (7-1-93)

c. In Louisiana, the parishes of Bossier, Caddo, Concordia, East Carroll, Franklin, Madison, Morehouse, Natchitoches, Ouachita, Red River, Richland, Tensas, and West Carroll. (7-1-93)

d. In Texas, the counties of Bowie, Carson, Castro, Dallam, Deaf Smith, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, and Sherman. (7-1-93)

02. Noninfested Area. All parishes, counties, states, districts, and territories of the United States not named in the infested area are known as the non-infested area. (7-1-93)

03. Articles and Commodities Covered. (7-1-93)

a. Corn, broomcorn, sorghum, and sudan grass plants and all parts thereof (including shelled grain and stalks, ears, cobs, and all other parts, fragments, or debris of said plants); (7-1-93)

b. Beans in the pod and pepper fruits; (7-1-93)

c. Plants of aster, chrysanthemum, geranium, hollyhock, dahlia, and gladiolus. (7-1-93)

051. -- 099. (RESERVED)

100. RESTRICTIONS AND EXEMPTIONS.

01. Restrictions. (7-1-93)

a. Articles and commodities covered are prohibited entry into Idaho from the infested area unless accompanied by a certificate, issued by an authorized representative of the origin state Department of Agriculture, as provided in Subsections 100.01.a.i. and 100.01.a.ii.: (7-1-93)

i. Shelled grain certificate of treatment stating that the grain has passed through a one-half (1/2) inch or smaller size mesh screen. (7-1-93)

ii. Shelled grain not screened as in Subsection 100.01.a.i. or other articles and commodities certificate of processing and inspection specifying that all of the commodities and articles in the lot or shipment were processed and inspected in conformity with a method and in a manner prescribed by the Director, or his agent, hereinafter referred to as "Director." Such methods are obtainable on request from the Department. (7-1-93)

iii. Articles and commodities covered originating in the parishes of Louisiana and the counties of Florida and Texas which are not infested with European corn borer may enter Idaho if accompanied by a certificate of origin issued by an authorized representative of the origin state Department of Agriculture specifying that no portion of the articles or commodities in the lot or shipment was grown in an area where the European corn borer is known to occur. Origin certification is not required for entry into Idaho of articles and commodities covered which originated in states, districts, and territories in the noninfested area. (7-1-93)

b. All certificates must be dated and set forth the kind and quantity of articles or commodities constituting the lot or shipment covered thereby, the initials and number of the railway car or license number of the truck, and the names and addresses of the shipper and consignee. (7-1-93)

02. Exemptions. Certification requirements are waived on the following articles and commodities covered, with the stipulation that such articles and commodities are subject to inspection by the Director and must be free of plant portions or fragments capable of harboring European corn borer. (7-1-93)

a. Shelled popcorn, seed for planting or clean sacked grain for human consumption. (7-1-93)

b. Beans in the pod or pepper fruits in lots or shipments of ten (10) pounds or less. (7-1-93)

- c.** Seedling plants or divisions without stems of the previous year's growth of aster, chrysanthemum or hollyhock. (7-1-93)
- d.** Dahlia tubers without stems. (7-1-93)
- e.** Gladiolus corms without stems. (7-1-93)
- f.** Very pungent types of pepper fruits. (7-1-93)
- g.** Articles and commodities covered when they have been processed or manufactured in a manner that in the judgement of the Director eliminates all danger of carrying European corn borer. (7-1-93)
- h.** The Director may, upon application, issue a permit to a recognized research agency to import specified quantities of the quarantined articles listed in Subsection 050.03 for experimental purposes. (7-1-93)

101. -- 149. (RESERVED)

150. VIOLATIONS.

01. Incoming Shipments. (7-1-93)

a. Any or all shipments of lots of the quarantined articles enumerated in Subsection 050.03 arriving in Idaho in violation of this quarantine shall immediately be sent out of the state, destroyed, or treated by a method and in a manner prescribed by the Director at the option and expense of the owner or owners, his or their responsible agents. (7-1-93)

b. If any lot or shipment certified by the state of origin as prescribed in Subsection 100.01 shall be found to contain materials capable of harboring an infestation, the Director may review the program of the state of origin to determine if it meets the requirements of these rules. (7-1-93)

151. -- 999. (RESERVED)

**IDAPA 02
TITLE 06
CHAPTER 13**

02.06.13 – RULES RELATING TO RAPESEED PRODUCTION AND RAPESEED DISTRICTS

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 22-108(2), Idaho Code. (9-1-94)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is “Rules Relating to Rapeseed Production and Rapeseed Districts.” (9-1-94)

02. Scope. These rules govern procedures for rapeseed production and rapeseed districts. (6-30-19)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (9-1-94)

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeals before the Department of Agriculture under this chapter. (9-1-94)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (6-30-19)T

005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS.

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006. PUBLIC RECORDS ACT COMPLIANCE.

These rules have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code and are public records. (6-30-19)T

007. – 009. (RESERVED)

010. DEFINITIONS.

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. (7-1-93)

02. Rapeseed. Those species of *Brassica napus*, *Brassica rapa* (formerly *Brassica campestris*), and *Brassica juncea*. (4-4-13)

03. Types. Those species and varieties of rapeseed classified as follows: (7-1-93)

a. Edible: (7-1-93)

i. Low Erucic Acid Rapeseed -- Low Glucosinolates (LEAR-LG), commonly called “canola,” shall be 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. (4-4-13)

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. (4-4-13)

b. Industrial: (7-1-93)

i. High Erucic Acid Rapeseed -- Low Glucosinolates (HEAR-LG) Rapeseed shall be rapeseed varieties used for production of industrial oil which 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. (4-4-13)

ii. High Erucic Acid Rapeseed -- High Glucosinolates (HEAR-HG) Rapeseed shall be rapeseed varieties used for production of industrial oil which 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. (4-4-13)

04. Volunteer Rapeseed. A plant that arises from accidental or unintentional scattering of seed. (7-1-93)

05. Condiment Mustard. Varieties of *Brassica juncea* produced for seed to be used for spice or condiment. (4-4-13)

06. Green Manure Rapeseed. Varieties of rapeseed used as a cover crop to be plowed down prior to flowering and maturity. (4-4-13)

011. -- 049. (RESERVED)

050. PRODUCTION DISTRICTS.

01. District I. All land in Idaho not listed under District II in Subsection 050.02 of this rule. (3-20-14)

02. District II. All land within the boundaries of Ada, Canyon, Gem, Owyhee (north of Murphy) and Payette counties. (3-20-14)

051. -- 099. (RESERVED)

100. RESTRICTIONS.

01. District I. Except as otherwise provided in this rule, industrial and edible types of rapeseed may be planted in District I. (3-20-14)

02. District II. Except as otherwise provided in this rule, no rapeseed of either variety may be planted in District II. (3-20-14)

03. Restrictions: (3-20-14)

a. Industrial types of rapeseed planted in District I must adhere to the following conditions: (3-20-14)

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. (3-20-14)

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. (3-20-14)

101. -- 149. (RESERVED)

150. 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. (9-1-94)
- a.** *Brassica* seeds shall be treated with an EPA and State registered fungicide for the control of blackleg (*Leptosphaeria maculans*). (9-1-94)
- 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. (4-4-13)
- 02. Exemptions.** The following are not subject to the provisions of Subsections 150.01.a. and 150.01.b. (9-1-94)
- a.** *Brassica* seeds sold in lots of two (2) pounds or less. (9-1-94)
- b.** *Brassica* seeds produced in Idaho. (9-1-94)
- 151. -- 199. (RESERVED)**
- 200. RAPESEED GROWING OUTSIDE CULTIVATED FIELDS ENFORCEMENT AND PENALTIES.**
Volunteer rapeseed plants within designated production districts shall be destroyed prior to flowering. The Director of the State Department of Agriculture shall have the authority to require destruction of any rapeseed prior to flowering that has not met the provisions of these rules. 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 shall be charged to the party responsible for planting the rapeseed. (6-30-19)T
- 201. -- 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. (9-1-94)
- 251. -- 999. (RESERVED)**

**IDAPA 02
TITLE 06
CHAPTER 15**

02.06.15 – RULES GOVERNING PEACH TREE DISEASES

000. LEGAL AUTHORITY.

This chapter is adopted under legal authority of Sections 22-2004 and 22-2006, Idaho Code. (6-30-19)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.15, “Rules Governing Peach Tree Diseases.” (5-3-03)

02. Scope. This chapter has the following scope: Establishes regulated pests, regulated areas, and regulated articles. Establishes the procedures for shipping regulated products into Idaho. (6-30-19)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (5-3-03)

003. ADMINISTRATIVE APPEAL.

Hearing and appeal rights are set forth in Title 67, Chapter 52, Idaho Code. (5-3-03)

004. INCORPORATION BY REFERENCE.

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

005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS.

The Idaho State Department of Agriculture central office is located at 2270 Old Penitentiary Road, Boise, ID 83712-8298. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The mailing address is PO Box 7249, Boise, Idaho 83707. The phone number is (208) 332-8500 and the fax number is (208) 334-2170. The Department web address is <https://agri.idaho.gov/>. (6-30-19)T

006. PUBLIC RECORDS ACT COMPLIANCE.

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

007. -- 009. (RESERVED)

010. DEFINITIONS.

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

011. (RESERVED)

012. REGULATED PESTS.

The viral diseases known as Peach Yellows, Peach Rosette, and Little Peach. (5-3-03)

013. -- 049. (RESERVED)

050. AREA UNDER QUARANTINE.

The entire states of Alabama, Arkansas, (except counties of Benton, Clark, Columbia, Garland and White), Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland (except counties of Worcester and Somerset), Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. (6-4-62)

051. -- 099. (RESERVED)

100. REGULATED ARTICLES.

All trees, cuttings, grafts, scions, or buds of all species and varieties including the flowering forms of peach, nectarine, apricot, almond, plum, and prune, and any trees budded or grafted on peach stock or peach roots, coming from a regulated area. (5-3-03)

101. -- 149. (RESERVED)

150. RESTRICTIONS GOVERNING SHIPMENTS.

The regulated articles will not be admitted into Idaho from the regulated areas unless the state of origin certifies that they were produced in a county free from infection with the regulated pests, as determined by adequate annual surveys satisfactory to the Director, and from disease-free bud sources, rootstocks, and environs. (5-3-03)

151. -- 199. (RESERVED)

200. OFFICIAL CERTIFICATE REQUIREMENTS.

The certificates required by Section 150 shall state the names and addresses of the shipper and consignee, the number and kind of regulated articles in the shipments, and the area where grown. A copy of the certificate shall accompany the shipment, and one (1) copy shall be forwarded at the time of shipment to the Division of Plant Industry, Idaho State Department of Agriculture, Boise, Idaho. (5-3-03)

201. -- 249. (RESERVED)

250. EXEMPTIONS.

This quarantine does not apply to experiments of the United States Department of Agriculture in the state of Idaho nor to experiments of the College of Agriculture, Department of Pathology of the University of Idaho. (6-4-62)

251. -- 299. (RESERVED)

300. PENALTY.

Any or all shipments or lots of the regulated articles enumerated in Section 100 arriving in Idaho in violation of this chapter shall immediately be sent out of the state or destroyed at the option and expense of the owner or owners, his or their responsible agents and under the direction of the Director of the Idaho Department of Agriculture or his deputies. (5-3-03)

301. -- 349. (RESERVED)

350. COMMON CARRIER AGENTS MUST HOLD SHIPMENTS.

Any and all lots of shipments of commodities covered by this quarantine must be held and not delivered to consignee or agent until inspected and passed by the Director of the Idaho Department of Agriculture, his deputy, or by a State plant quarantine officer. (6-4-62)

351. -- 999. (RESERVED)

**IDAPA 02
TITLE 06
CHAPTER 17**

02.06.17 – RULES GOVERNING THE DISPOSAL OF CULL ONIONS AND POTATOES

000. LEGAL AUTHORITY.

This chapter is adopted under legal authority of Sections 22-2004 and 22-2006, Idaho Code. (6-30-19)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.17, “Rules Governing the Disposal of Cull Onions and Potatoes.” (5-3-03)

02. Scope. These rules cover the disposal of cull onions to prevent the spread of the onion maggot (*Delia antiqua*) and disposal of potatoes to prevent the spread of pests and diseases of potatoes. (6-30-19)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (3-30-01)

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeal before the Department of Agriculture under this chapter. Hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code. (3-30-01)

004. INCORPORATION BY REFERENCE.

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

005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS.

The Idaho State Department of Agriculture central office is located at 2270 Old Penitentiary Road, Boise, ID 83712-8298. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The mailing address is PO Box 7249, Boise, Idaho 83707. The phone number is (208) 332-8500 and the fax number is (208) 334-2170. The Department web address is <https://agri.idaho.gov/>. (6-30-19)T

006. PUBLIC RECORDS ACT COMPLIANCE.

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

007. -- 009. (RESERVED)

010. DEFINITIONS.

The Department adopts the definitions set forth in Section 22-2005, Idaho Code. In addition as used in this chapter: (5-3-03)

01. Cull Onions. Refers to those onions that are not marketable or useable for consumption or are generally considered waste, and shall include the residue left in the field from the production of onion seed as well as commercial onions. (5-3-03)

02. Cull Potatoes. Refers to those potatoes that are not marketable or useable for consumption or as seed potatoes and shall include the residue left in the field from commercial or seed potato production, or as a result of spoilage while in storage. (5-3-03)

011. -- 049. (RESERVED)

050. REGULATED AREA.

01. Onions. Ada, Canyon, Gem, Payette, Owyhee, and Washington Counties, state of Idaho. (3-30-01)

02. Potatoes. The entire state of Idaho. (3-30-01)

051. -- 059. (RESERVED)

060. REGULATED PRODUCTS.

01. Cull Onions. All cull onions produced as a result of market conditions, the grading process, or as a result of breakdown in storage or sorted out in the field during harvest and bulbs and waste left over from seed production. (4-11-06)

02. Cull Potatoes. All cull potatoes produced as a result of market conditions, the grading process, or as a result of breakdown in storage, or sorted out in the field during harvest and tubers and waste left over from potato seed production. (4-11-06)

061. -- 069. (RESERVED)

070. DISPOSITION OF CULL ONIONS.

All cull onions existing in the control area shall be disposed of by a method approved of in Section 071 of this rule, to prevent sprouting. Disposal of all existing cull onions and debris must be completed prior to March 15th, of each year; provided; however, that in the case of onions sorted on or after March 15th of each year, the cull onions resulting therefrom shall be disposed of within one (1) week after such sorting regardless of the disposal method. The Department shall only enforce the cull onion disposal portions of this rule from March 15th through July 1st of each year. (3-29-10)

071. DISPOSAL METHODS.

The intent of Section 071 of the rule is to control the spread of the onion maggot and related onion diseases. All disposal methods listed in Section 071 must be carried out to the extent that control of the regulated pest(s) is achieved in order to be in compliance with this rule. (4-11-06)

01. Disposal by Covering in Dumps or Pits. (7-1-93)

a. Cull onions disposed of by being dumped in pits shall be managed and covered as recommended by the University of Idaho Agricultural Extension Service. (3-30-01)

b. Covering shall be accomplished by March 15th of each year or as provided in Section 070 of this rule. (3-30-01)

02. Disposal by Feeding After March 15th of Each Year. (3-30-01)

a. Sheep or goats shall be fed no more than fifty-three (53) pounds of cull onions per individual animal per day. Cull onions shall be fed from either bunks or by spreading throughout the pasture or feedlot. Cull onions shall not be fed from piles. (3-30-01)

b. Cattle shall be fed a ration containing no more than twenty-five percent (25%) cull onions on a dry matter basis. (3-30-01)

c. Onion debris shall be completely removed from feeding areas and buried under twelve (12) inches or more of onion-free soil by March 15th of each year. (3-30-01)

d. In the case of residues of onion debris two (2) inches or less in depth, or onions tramped into the soil so that they cannot be removed, such areas shall be disked and plowed as deep as possible, and such that all onions and debris are buried under eight (8) inches or more of onion-free soil by March 15th of each year. (4-11-06)

e. Feeding areas and areas where onions are buried shall be treated in the manner set out in Section 071. (3-30-01)

f. Cattle and sheep being finished for market or dairy cattle shall not be fed forage or grains grown on feeding areas treated in the manner set forth in Section 071. (3-30-01)

03. Disposal by Composting. Cull onions being composted shall be covered by twelve (12) inches or more of onion-free soil or composting material until the onions have turned to compost. (3-30-01)

04. Disposal of Residue in Onion Producing Fields. (7-1-93)

a. Commercial onion fields where sort-out bulbs are left at harvest shall be disked and plowed as deep as possible, and such that all onions and debris are buried under eight (8) inches or more of onion-free soil by March 15th of each year. (4-11-06)

b. Following final seed harvest, seed bulbs shall be disked and plowed as deep as possible, and such that all onions and debris are buried under eight (8) inches or more of onion-free soil by March 15th of each year. (4-11-06)

05. Disposal by Chopping or Shredding. Cull onions that have been chopped or shredded to the point that they are incapable of sprouting, shall be disked and plowed as deep as possible, and such that all onions and debris are buried under eight (8) inches or more of onion-free soil by March 15th of each year. (4-11-06)

06. Disposal by Spreading. Cull Onions may be disposed of by being spread on agricultural fields destined to be planted to a crop other than onions provided the onions are disked and plowed as deep as possible, and such that all onions and debris are buried under eight (8) inches or more of onion-free soil. (4-11-06)

072. INCLEMENT WEATHER.

If inclement weather prevents disposal by the methods in Subsections 071.01 through 071.06, culls shall be treated with an EPA-labeled insecticide at prescribed intervals as recommended by the University of Idaho Agricultural Extension Service until proper disposal as prescribed in Subsections 071.01 through 071.06 can be carried out. (3-30-01)

073. (RESERVED)

074. NOTIFICATION REQUIRED.

Any person or entity delivering cull onions for disposal in the area regulated for cull onion disposal shall provide written notification to the recipient of those cull onions advising the recipient of this rule and the recipient's obligations for the disposal of the cull onions under this rule. If the recipient is not the property owner, written notification shall also be made to the owner of the property where the onions are to be disposed of. Failure to make such notification in writing is a violation of this rule. (4-11-06)

075. -- 089. (RESERVED)

090. DISPOSITION OF CULL POTATOES.

All cull potatoes existing west of the Raft River shall be rendered non-viable by April 15th of each year and all cull potatoes generated after April 15th shall be rendered non-viable on a daily basis until September 20th. All cull potatoes existing east of the Raft River shall be rendered non-viable by May 15th of each year and all cull potatoes generated after May 15th shall be rendered non-viable on a daily basis until September 20th. (3-30-01)

091. CULL POTATO DISPOSAL METHODS.

Cull potatoes shall be disposed of in a manner as to render them non-viable. Disposal methods shall be those as recommended by the University of Idaho Agricultural Extension Service. (3-30-01)

092. -- 099. (RESERVED)

100. AUTHORITY TO ENTER AND INSPECT.

The Director, Idaho State Department of Agriculture or his agents are authorized to enter and inspect all onion and potato cull dumps and disposal sites in the state of Idaho for the purpose of insuring compliance with this rule. (3-30-01)

101. -- 999. (RESERVED)

**IDAPA 02
TITLE 06
CHAPTER 20**

02.06.20 – RULES GOVERNING GRAPE PLANTING STOCK

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 22-2004 and 22-2006, Idaho Code. (6-30-19)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.20, “Rules Governing Grape Planting Stock.” (5-3-03)

02. Scope. These rules are to prevent the introduction of grape plant pests and plant diseases into the state of Idaho. To declare that a quarantine be established at the boundaries of the state of Idaho. To define the area regulated under the quarantine, regulated commodities, regulations governing shipments, disposition of commodities in violation of quarantine rules, authority to enter, inspect, and control and penalties. (3-29-12)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (5-3-03)

003. ADMINISTRATIVE APPEAL.

Hearing and appeal rights are set forth in Title 67, Chapter 52, Idaho Code. (5-3-03)

004. INCORPORATION BY REFERENCE.

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

005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS, SHIPMENT NOTIFICATIONS.

The Idaho State Department of Agriculture central office is located at 2270 Old Penitentiary Road, Boise, ID 83712-8298. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The mailing address is PO Box 7249, Boise, Idaho 83707. The phone number is (208) 332-8500 and the fax number is (208) 334-2170. The Department web address is <https://agri.idaho.gov/>. Shipment notifications may be faxed to (208) 334-2283 or emailed to Nsy.Idaho@agri.idaho.gov. (6-30-19)T

006. PUBLIC RECORDS ACT COMPLIANCE.

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

007. -- 009. (RESERVED)

010. DEFINITIONS.

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

011. -- 049. (RESERVED)

050. REGULATED AREAS.

All areas outside of the territorial borders of the state of Idaho. (2-21-72)

051. -- 099. (RESERVED)

100. REGULATED COMMODITIES.

Planting stock of grape (*Vitis* species) including live plants, hardwood cuttings, softwood cuttings, rootstocks, and any other parts of the grape plant, except fruit, capable of propagation (except fruit). (3-29-12)

101. REGULATED PESTS.

Regulated pests include, but are not limited to: (3-29-12)

- 01. Grapevine Fanleaf Virus; (3-29-12)
- 02. Grapevine Leaf Roll - Associated Viruses; (3-29-12)
- 03. Grapevine Corky Bark Disease. Which include but may not be limited to: (3-29-12)
 - a. Grapevine virus A; and (3-29-12)
 - b. Grapevine virus B and synonym rugose wood complex; (3-29-12)
- 04. Grape Phylloxera. (*Daktulosphaira vitifoliae*); (3-29-12)
- 05. Pierce's Disease. As caused by the bacterium *Xylella fastidiosa*; (3-29-12)
- 06. Vine Mealybug. (*Planococcus ficus*); and (3-29-12)
- 07. Glassy-Winged Sharpshooter. (*Homalodisca vitripennis*, formerly known as *H. coagulata*). (3-29-12)

102. -- 149. (RESERVED)

150. RULES GOVERNING SHIPMENTS.

01. Admittance into Idaho. Each shipment of a regulated article from a regulated area must be accompanied by a certificate issued by the state or country of origin's plant protection organization, stating that the grape planting stock to be imported has been certified in accordance with the regulations of an official grapevine certification program of the state or country of origin's plant protection organization, that includes annual inspections at all certification levels and testing at the foundation level for regulated pests and: (3-29-12)

a. The grapevines, rootstock and/or softwood cuttings were grown in and shipped from an area known to be free from regulated pests; or (3-29-12)

b. For small shipments (five hundred (500) or less) of un-rooted softwood cuttings, were individually inspected by an authorized inspector and were found to be free from regulated pests; or (3-29-12)

c. The grapevines, rootstock or softwood cuttings were grown under a sterile soil-less media and treated with a soil or systemic insecticide and a hot water dip treatment, as outlined in Section 155 of this rule, proven to be effective against vine mealybug and any other pests that may be present on the roots; or (3-29-12)

d. The grapevines, rootstock, and/or softwood cuttings were subject to one (1) of the two (2) treatments outlined in Section 155 of this rule, or such additional methods as may be determined to be effective and are approved by the director and were stored in a manner after treatment that would prevent re-infestation. (3-29-12)

02. Marking Contents. All shipments of grape planting stock must be plainly marked with the contents on the outside of the package or container. (3-29-12)

03. Shipment Notification. Persons shipping or transporting grape planting stock into this state from areas under regulation shall notify the department by electronic mail, regular mail or fax prior to shipment at the address, electronic mail address or fax number set forth in Section 005 for specific notification information. The notification must include the nature of the grape planting stock (such as live plants, hardwood cuttings, softwood cuttings, rootstocks, or other similar categories), the quantity in each shipment, the expected date of arrival, the name of the intended receiver and the destination. Notification shall also include an official certificate issued by the plant protection organization of the state of origin certifying that the grapevines meet the requirements of this chapter must accompany the grape planting stock into the state. All treatments and inspections must have been witnessed or performed by an official of the state of origin's plant protection organization. (3-29-12)

151. -- 154. (RESERVED)

155. ACCEPTABLE TREATMENTS.

01. Hot Water Treatment. Dormant, rooted grapevines or rootstock shall be washed to remove all soil or other propagative media. Dormant rooted plants or rootstock shall be immersed in a hot water bath for a period of not less than three (3) minutes, nor more than five (5) minutes, at a temperature of not less than one hundred twenty-five degrees Fahrenheit (125° F.) or fifty-two degrees Celsius (52° C.), nor more than one hundred thirty degrees Fahrenheit (130° F.) or fifty-five degrees Celsius (55° C.) at any time during immersion; or (3-29-12)

02. Methyl Bromide Fumigation. Grapevines, rootstock or softwood cuttings may be treated by methyl bromide fumigation. Fumigation shall be in an approved gastight fumigation chamber, equipped with a heating unit, a fan for dispersal of gas and clearing the chamber of gas after fumigation, and an interior thermometer readable from the outside. Fumigation shall be with a dosage of two (2) pounds (nine-hundred eight thousandths of a kilogram (0.908 kg.)) of methyl bromide per one thousand (1,000) cubic feet (twenty-eight (28) cubic meters) for a period of three (3) hours at a temperature of between sixty-five degrees Fahrenheit (65° F.) or eighteen point three degrees Celsius (18.3° C.) and seventy degrees Fahrenheit (70° F.) or twenty-one point one degrees Celsius (21.1° C.). The fan shall be operated for a period of ten (10) minutes after the injection of the gas. (3-29-12)

03. Other Methods. Upon written application to the Director, variations to the above mentioned acceptable treatments or additional treatment methods may be considered. (3-29-12)

156. -- 199. (RESERVED)

200. DISPOSITION OF COMMODITIES IN VIOLATION OF RULES.

Any commodity set forth in Section 150 of these rules, or any grape plants or parts thereof, not meeting the requirements of these rules shall immediately be sent out of the state of Idaho or destroyed at the option and expense of the owner or owners, his or their responsible agents and under the direction of the Director. (3-29-12)

201. -- 249. (RESERVED)

250. AUTHORITY TO ENTER, INSPECT, AND CONTROL.

01. Entry and Inspection. The Director is authorized to enter and inspect any or all grape plantings in the state of Idaho. (5-3-03)

02. Control and Destruction of Infected Plants. Whenever the Director finds that there is imminent peril that virus diseases or plant pests will spread from infected grape plantings to and contaminate other uninfected grape plantings because of refusal, failure, or neglect to control the already infected grape plantings, he may at once give notice in writing to control or destroy in part or total the infected grape plantings under the provisions of Title 22, Chapter 20, Idaho Code, and he may thereafter, if necessary, proceed to destroy such infected grape plantings under the terms and provisions of Title 22, Chapter 20, Idaho Code. (5-3-03)

251. -- 999. (RESERVED)

**IDAPA 02
TITLE 06
CHAPTER 22**

02.06.22 – NOXIOUS WEED RULES

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 22-2403, Idaho Code. (3-30-01)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.22, “Noxious Weed Rules.” (3-30-01)

02. Scope. These rules identify those noxious weeds which have been officially designated by the Director as Noxious Weeds in the state of Idaho, designates articles capable of disseminating noxious weeds, requires treatment of articles to prevent dissemination of noxious weeds and provides authority to designate cooperative weed management areas for management of noxious weeds. (3-30-07)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (3-30-01)

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeals before the Idaho State Department of Agriculture under this chapter. (3-30-01)

004. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records and are available for inspection and copying at the department. (3-30-01)

005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS.

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006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records available for inspection and copying at the Department and the State law library. (3-30-07)

007. -- 009. (RESERVED)

010. DEFINITIONS.

The Department adopts those definitions as set forth in Section 22-2402, Idaho Code, and in addition, adopts the following: (3-30-07)

01. Early Detection and Rapid Response (EDRR). Finding invasive plant species during the initial stages of colonization and then responding within the same season to initiate eradication of the invasive plant species. (3-30-07)

02. Implements of Husbandry. Every vehicle, including self-propelled units, designed or adapted and used exclusively in agricultural, horticultural, dairy and livestock growing and feeding operations when being incidentally operated as an implement of husbandry. Such implements include, but are not limited to, combines, discs, dry and liquid fertilizer spreaders, cargo tanks, harrows, hay balers, harvesting and stacking equipment, pesticide applicator equipment, plows, swathers, mint tubs and mint wagons, and farm wagons. A farm tractor when attached to or drawing any implement of husbandry shall be construed to be an implement of husbandry. Implements of husbandry do not include semi trailers, nor do they include motor vehicles or trailers, unless their design limits their use to agricultural, horticultural, dairy or livestock growing and feeding operations. (3-30-07)

03. Subtaxa(on). A supplementary piece of identifying information in a plant’s or animal’s scientific

name. (3-29-17)

011. ABBREVIATIONS.

- 01. CWMA.** Cooperative Weed Management Area. (3-30-07)
- 02. EDRR.** Early Detection/Rapid Response. (3-30-07)
- 03. ISDA.** Idaho State Department of Agriculture. (3-30-07)

012. -- 099. (RESERVED)

100. NOXIOUS WEEDS - DESIGNATIONS.

The weeds listed on the Statewide Prohibited Genera, EDRR, Containment, and Control lists are hereby officially designated and published as noxious. (3-29-17)

01. Statewide Prohibited Genera Noxious Weed List. (3-29-17)

a. All plants and plant parts in the generas of: *Cytisus*, *Genista*, *Spartium*, and *Chamaecytisus* additionally including "all" subtaxa of these plant genera are prohibited in Idaho. (3-29-17)

b. Weeds listed in the Prohibited Genera list may exist in varying populations throughout the state. The concentration of these weeds is at a level where control and/or eradication may be possible. A written plan for weeds on the Statewide Prohibited Genera Noxious Weed List shall be developed by the control authority that specifies active control methods to reduce known populations in not more than five (5) years. The plan shall be available to the Department upon request. (3-29-17)

02. Statewide EDRR Noxious Weed List. If any of the listed plants (Subsection 100.02) are found to occur in Idaho, they shall be reported to the Department within ten (10) days following positive identification by the University of Idaho or other qualified authority as approved by the Director. These weeds shall be eradicated during the same growing season as identified.

Common Name		Scientific Name	
1.	Brazilian Elodea	1.	<i>Egeria densa</i>
2.	Common/European Frogbit	2.	<i>Hydrcharis morsus-ranae</i>
3.	Fanwort	3.	<i>Cobomba caroliniana</i>
4.	Feathered Mosquito Fern	4.	<i>Azolla pinnata</i>
5.	Giant Hogweed	5.	<i>Heracleum mantegazzianum</i>
6.	Giant Salvinia	6.	<i>Salvinia molesta</i>
7.	Hydrilla	7.	<i>Hydrilla verticillata</i>
8.	Iberian Starthistle	8.	<i>Centaurea iberica</i>
9.	Policeman's Helmet	9.	<i>Impatiens glandulifera</i>
10.	Purple Starthistle	10.	<i>Centaurea calcitrapa</i>
11.	Squarrose Knapweed	11.	<i>Centaurea triumfetti</i>
12.	Syrian Beancaper	12.	<i>Zygophyllum fabago</i>
13.	Tall Hawkweed	13.	<i>Hieracium piloselloides</i>
14.	Variable-Leaf-Milfoil	14.	<i>Myriophyllum heterophyllum</i>
15.	Water Chestnut	15.	<i>Trapa natans</i>

Common Name		Scientific Name	
16.	Water Hyacinth	16.	<i>Eichhornia crassipes</i>
17.	Yellow Devil Hawkweed	17.	<i>Hieracium glomeratum</i>
18.	Yellow Floating Heart	18.	<i>Nymphoides pelata</i>

(3-29-17)

03. Statewide Control Noxious Weed List. Weeds listed in the control list are known to exist in varying populations throughout the state. The concentration of these weeds is at a level where control or eradication, or both, may be possible. A written plan for weeds on the Statewide Control Noxious Weed List shall be developed by the control authority that specifies active control methods to reduce known populations in not more than five (5) years. The plan shall be available to the Department upon request.

Common Name		Scientific Name	
1.	Black Henbane	1.	<i>Hyoscyamus niger</i>
2.	Bohemian Knotweed	2.	<i>Polygonum X bohemicum</i>
3.	Buffalobur	3.	<i>Solanum rostratum</i>
4.	Common Crupina	4.	<i>Crupina vulgaris</i>
5.	Common Reed (Phragmites)	5.	<i>Phragmites australis</i>
6.	Dyer's Woad	6.	<i>Isatis tinctoria</i>
7.	Eurasian Watermilfoil	7.	<i>Myriophyllum spicatum</i>
8.	Giant Knotweed	8.	<i>Polygonum sachalinense</i>
9.	Japanese Knotweed	9.	<i>Polygonum cuspidatum</i>
10.	Johnsongrass	10.	<i>Sorghum halepense</i>
11.	Matgrass	11.	<i>Nardus stricta</i>
12.	Meadow Knapweed	12.	<i>Centaurea debeauxii</i>
13.	Mediterranean Sage	13.	<i>Salvia aethiopsis</i>
14.	Musk Thistle	14.	<i>Carduus nutans</i>
15.	Orange Hawkweed	15.	<i>Hieracium aurantiacum</i>
16.	Parrotfeather Milfoil	16.	<i>Myriophyllum aquaticum</i>
17.	Perennial Sowthistle	17.	<i>Sonchus arvensis</i>
18.	Russian Knapweed	18.	<i>Acroptilon repens</i>
19.	Scotch Broom	19.	<i>Cytisus scoparius</i>
20.	Small Bugloss	20.	<i>Anchusa arvensis</i>
21.	Vipers Bugloss	21.	<i>Echium vulgare</i>
22.	Yellow Hawkweed	22.	<i>Hieracium caespitosum</i>

(3-29-10)

04. Statewide Containment Noxious Weed List. Weeds listed in the containment noxious weeds list are known to exist in various populations throughout the state. Weed control efforts may be directed at reducing or eliminating new or expanding weed populations while known and established weed populations, as determined by the weed control authority, may be managed by any approved weed control methodology, as determined by the weed

control authority.

Common Name		Scientific Name	
1.	Canada Thistle	1.	<i>Cirsium arvense</i>
2.	Curlyleaf Pondweed	2.	<i>Potamogeton crispus</i>
3.	Dalmatian Toadflax	3.	<i>Linaria dalmatICA ssp. dalmatICA</i>
4.	Diffuse Knapweed	4.	<i>Centaurea diffusa</i>
5.	Field Bindweed	5.	<i>Convolvulus arvensis</i>
6.	Flowering Rush	6.	<i>Butomus umbellatus</i>
7.	Hoary Alyssum	7.	<i>Berteroa incana</i>
8.	Houndstongue	8.	<i>Cynoglossum officinale</i>
9.	Jointed Goatgrass	9.	<i>Aegilops cylindrica</i>
10.	Leafy Spurge	10.	<i>Euphorbia esula</i>
11.	Milium	11.	<i>Milium vernale</i>
12.	Oxeye Daisy	12.	<i>Leucanthemum vulgare</i>
13.	Perennial Pepperweed	13.	<i>Lepidium latifolium</i>
14.	Plumeless Thistle	14.	<i>Carduus acanthoides</i>
15.	Poison Hemlock	15.	<i>Conium maculatum</i>
16.	Puncturevine	16.	<i>Tribulus terrestris</i>
17.	Purple Loosestrife	17.	<i>Lythrum salicaria</i>
18.	Rush Skeletonweed	18.	<i>Chondrilla juncea</i>
19.	Saltcedar	19.	<i>Tamarix sp.</i>
20.	Scotch Thistle	20.	<i>Onopordum acanthium</i>
21.	Spotted Knapweed	21.	<i>Centaurea stoebe</i>
22.	Tansy Ragwort	22.	<i>Senecio jacobaea</i>
23.	White Bryony	23.	<i>Bryonia alba</i>
24.	Whitetop (Hoary Cress)	24.	<i>Cardaria draba</i>
25.	Yellow Flag Iris	25.	<i>Iris pseudocorus</i>
26.	Yellow Starthistle	26.	<i>Centaurea solstitialis</i>
27.	Yellow Toadflax	27.	<i>Linaria vulgaris</i>

(3-29-10)

05. Designation of Articles Capable of Disseminating Noxious Weeds. The following articles are designated by the Director as capable of disseminating noxious weeds: (7-1-93)

- a. Construction equipment, road building and maintenance equipment, and implements of husbandry. (3-30-07)
- b. Motorized vehicles such as, all-terrain vehicles, motorcycles, and other off-road vehicles and non-motorized vehicles such as bicycles and trailers. (3-30-07)
- c. Grain and seed. (7-1-93)

- d.** Hay, straw and other material of similar nature. (7-1-93)
- e.** Nursery stock including plant material propagated for the support of aquarium, pet, or horticultural activities. (3-30-07)
- f.** Feed and seed screenings. (7-1-93)
- g.** Fence posts, fencing and railroad ties. (7-1-93)
- h.** Sod. (7-1-93)
- i.** Manure, fertilizers and material of similar nature. (7-1-93)
- j.** Soil, sand, mulch, and gravel. (3-30-07)
- k.** Boats, personal watercraft, watercraft trailers, and items of a similar nature. (3-30-07)

101. -- 199. (RESERVED)

200. TREATMENT OF ARTICLES.

01. Duty. It shall be the duty of every person, before removing any article from any place that is infested with noxious weeds or before moving the article onto any public roadway, to enclose, clean, or treat the article in a manner that will prevent the spread of noxious weeds. (1-15-91)

02. Treatment. No article containing noxious weed propagules shall be sold or furnished to any person within this state, until it has been treated in a manner sufficient to eliminate all noxious weed propagating capability except when sold or furnished to a person for the purpose of destroying the viability of the noxious weed propagules. (1-15-91)

201. -- 999. (RESERVED)

**IDAPA 02
TITLE 06
CHAPTER 24**

02.06.24 – RULES GOVERNING THE JAPANESE BEETLE

000. LEGAL AUTHORITY.

This chapter is adopted under legal authority of Sections 22-2004 and 22-2006, Idaho Code. (6-30-19)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.24, “Rules Governing the Japanese Beetle.” (5-3-03)

02. Scope. These rules set forth conditions under which certain nursery stock and sod originating from Japanese beetle infested areas may be allowed to enter into Idaho. (5-3-03)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (5-3-03)

003. ADMINISTRATIVE APPEAL.

Hearing and appeal rights are set forth in Title 67, Chapter 52, Idaho Code. (5-3-03)

004. INCORPORATION BY REFERENCE.

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

005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS.

The Idaho State Department of Agriculture central office is located at 2270 Old Penitentiary Road, Boise, ID 83712-8298. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The mailing address is PO Box 7249, Boise, Idaho 83707. The phone number is (208) 332-8500 and the fax number is (208) 334-2170. The Department web address is <https://agri.idaho.gov/>. (6-30-19)T

006. PUBLIC RECORDS ACT COMPLIANCE.

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

007. – 009. (RESERVED)

010. DEFINITIONS.

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

011. (RESERVED)

012. REGULATED PEST.

Japanese beetle (*Popillia japonica*). (5-3-03)

013. -- 049. (RESERVED)

050. AREAS UNDER QUARANTINE.

01. States. The entire states of Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. (7-1-93)

02. Canada. In Canada: (7-1-93)

a. In the Province of Ontario: Lincoln, Welland and Wentworth. (7-1-93)

- b. In the Province of Quebec: Missiquoi and St. Jean. (7-1-93)
- 03. **Other Areas.** Any areas not mentioned above and subsequently found to be infested. (7-1-93)

051. -- 099. (RESERVED)

100. ARTICLES AND COMMODITIES UNDER QUARANTINE.

01. Possible Hosts and Carriers. The following are hereby declared to be hosts and possible carriers of the Japanese beetle: (7-1-93)

- a. Soil, humus, compost, and manure (except when commercially packaged); (7-1-93)
- b. All plants with roots (except bareroot plants free from soil); (7-1-93)
- c. Grass sod; (7-1-93)
- d. Plant crowns or roots for propagation (except when free from soil); (7-1-93)
- e. Bulbs, corms, tubers, and rhizomes of ornamental plants (except when free from soil); (7-1-93)
- f. Any other plant, plant part, article, or means of conveyance when it is determined by the Director of the Idaho Department of Agriculture or authorized agent to present a hazard of spreading live Japanese beetle due to infestation or exposure to infestation by Japanese beetle. (7-1-93)

02. Soil. For the purposes of this quarantine, soil is defined as all growing media in which the plants are actually rooted. Packing material other than soil, added to bareroot plants after harvesting would not normally pose a pest risk. Packing material would be covered under (Subsection 100.01.f.), at the inspector's discretion. (7-1-93)

03. Free from Soil. For the purposes of this quarantine, free from soil is defined as soil in amounts that could not contain concealed Japanese beetle larvae or pupae. (7-1-93)

101. -- 149. (RESERVED)

150. RESTRICTIONS.

All articles and commodities under quarantine are prohibited entry into Idaho from an area under quarantine with the following exceptions: (7-1-93)

01. Certificate of Treatment. All of the articles and commodities covered are approved for entry into Idaho when accompanied by a certificate issued by an authorized state agricultural official at origin stating that the article or shipment was treated for Japanese beetle or grown in accordance with methods and procedures approved and prescribed by the Director of the Idaho Department of Agriculture. A Certificate of Treatment shall include the date of treatment. Shipment of the articles or commodities shall not take place sooner than ten (10) days after the date of treatment, but no later than thirty (30) days after treatment. (7-1-93)

02. Certificate of Origin. Commercial plant shipments with soil may be shipped from an area under quarantine into Idaho provided such shipments are accompanied by a certificate issued by an authorized state agricultural official at origin. Such certificates shall be issued only if the shipment confirms fully with either Subsections 150.02.a., 150.02.b., or 150.02.c. of these rules: (7-1-93)

a. The greenhouse in which the plants were produced was tightly constructed so that adult Japanese beetles would not gain entry, the plants and greenhouses were inspected and found to be free from all stages of Japanese beetle, and the plants and soil were protected from subsequent infestation while being stored, packed and shipped; or (7-1-93)

b. The plants were not produced in the regulated area, were transported into the regulated area in a closed conveyance or closed containers and at all times thereafter were protected from becoming infested with

Japanese beetle; or (7-1-93)

c. States or portions of states listed in the area under quarantine may have counties that are not infested with Japanese beetle. Shipments of articles and commodities covered will be accepted from these noninfested counties if annual surveys are made in such counties and the results of such surveys are negative for Japanese beetle. A list of counties so approved will be maintained by the Director of the Idaho Department of Agriculture. Agricultural officials of other states may recommend a noninfested county be placed on the approved county list by writing for such approval and stating how the surveys were made giving the following information:

(7-1-93)

i. Area surveyed. (7-1-93)

ii. How survey was carried out. (7-1-93)

iii. Personnel involved. (7-1-93)

iv. If county was previously infested, give date of last infestation. (7-1-93)

v. The recommendation for approval of such counties will be evaluated by the Bureau of Feeds and Plant Services, Division of Plant Industries, Idaho Department of Agriculture. (7-1-93)

03. Denial of Approval. If heavy infestations occur in neighboring counties, approval may be denied. To be maintained on the approved list, each county shall be reapproved every twelve (12) months. Shipments of articles and commodities under quarantine from noninfested counties will only be allowed entry into Idaho if the noninfested county has been placed on the approved list prior to the arrival of the shipment to Idaho. (7-1-93)

04. Privately Owned House Plants. Up to twenty-five (25) privately owned house plants grown indoors may be inspected and approved for entry by the Director of the Idaho Department of Agriculture or his authorized agent if found free from Japanese beetle. (7-1-93)

151. -- 199. (RESERVED)

200. PENALTY.

Any or all shipments or lots of quarantined articles or commodities listed in Section 100 above arriving in Idaho in violation of this quarantine shall immediately be sent out of the state, destroyed, or treated by a method and in a manner as directed by the Director. Treatment shall be performed at the expense of the owner, or owners, or their duly authorized agent. (5-3-03)

201. -- 999. (RESERVED)

**IDAPA 02
TITLE 06
CHAPTER 26**

02.06.26 – RULES CONCERNING SEED POTATO CROP MANAGEMENT AREAS

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 22-505, 22-2004, and 22-2006, Idaho Code. (6-30-19)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is “Rules Concerning Seed Potato Crop Management Areas.” (5-3-03)

02. Scope. These rules govern the procedures for all potato management within Seed Potato Crop Management Areas in Idaho. (5-3-03)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (5-3-03)

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeals before the ISDA under this chapter. Hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code. (5-3-03)

004. INCORPORATIONS BY REFERENCE.

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

005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS.

The Idaho State Department of Agriculture central office is located at 2270 Old Penitentiary Road, Boise, ID 83712-8298. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The mailing address is PO Box 7249, Boise, Idaho 83707. The phone number is (208) 332-8500 and the fax number is (208) 334-2170. The Department web address is <https://agri.idaho.gov/>. (3-30-06)

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records available for inspection and copying at the department. (5-3-03)

007. -- 009. (RESERVED)

010. DEFINITIONS.

The Department adopts the definitions set forth in Sections 22-501 and 22-2005, Idaho Code and in addition as used in this chapter: (5-3-03)

01. Cull Potatoes. Cull potatoes are defined as those potatoes not useable for planting or consumption. (5-3-03)

02. Grower. Any person who plants and cultivates more than fifteen one-hundredths (.15) acres of potatoes within a Seed Potato Crop Management Area. (5-3-03)

03. Volunteer Potatoes. Volunteer potatoes are defined as any residue left in a field from previous years of production which has sprouted and is growing. (5-3-03)

011. ABBREVIATIONS.

01. ICIA. Idaho Crop Improvement Association. (5-3-03)

012. -- 019. (RESERVED)

020. SEED POTATO CROP MANAGEMENT AREAS.

01. Fremont Seed Potato Crop Management Area. That portion of Fremont county described as follows: Beginning at a point which is the southwest corner of Section 16, Township 7 North, Range 43 East, Boise, Meridian, Fremont County, Idaho; Thence north approximately 1 mile to the northwest corner of Section 16, Township 7 North, Range 43 East; Thence west approximately 2 miles to the southwest corner of Section 7, Township 7 North, Range 43 East; Thence north approximately 1 mile to the northwest corner of Section 7, Township 7 North, Range 43 East; Thence west approximately 3 miles to the southwest corner of Section 3, Township 7 North, Range 42 East; Thence north approximately 2 miles to the northwest corner of Section 34, Township 8 North, Range 42 East; Thence west approximately 2 miles to the southwest corner of Section 29, Township 8 North, Range 42 East; Thence north approximately 1-3/8 miles to the center line of Fall River; Thence northwest along Fall River approximately 1-1/8 miles to where Fall River intersects the west line of Section 8, Township 8 North, Range 41 East; Thence north approximately 1-7/8 miles to the northwest corner of Section 7, Township 18 North, Range 41 East; Thence west approximately 2 miles to the southwest corner of Section 2, Township 8 North, Range 41 East; Thence north approximately 1 mile to the northwest corner of Section 2, Township 8 North, Range 41 East; Thence west approximately 1/4 of 1 mile; Thence north along an existing road approximately 4 miles; Thence northeasterly along said road approximately 1-1/10 miles to the northwest corner of Section 11, Township 9 North, Range 41 East; Thence north approximately 1 mile to the northwest corner of Section 2, Township 9 North, Range 41 East; Thence east approximately 14 miles to the northeast corner of Section 1, Township 9 North, Range 43 East; Thence south approximately 2 miles to the southeast corner of Section 12, Township 9 North, Range 43 East; Thence east approximately 4 miles to the northeast corner of Section 15, Township 9 North, Range 44 East, which is the west boundary line of the Targhee National Forest; Thence south along said forest boundary approximately 3 miles to the southeast corner of Section 27, Township 9 North, Range 44 East; Thence east continuing along said forest boundary approximately 2 miles to the northeast corner of Section 36, Township 9 North, Range 44 East; Thence south along said forest boundary approximately 1 mile to the east 1/4 corner of Section 1, Township 8 North, Range 44 East; Thence east continuing along said forest boundary approximately 2 miles to the east 1/4 corner of Section 5, Township 8 North, Range 45 East; Thence south continuing along said forest boundary approximately 5 miles to the east 1/4 corner of Section 32, Township 8 North, Range 45 East; Thence east continuing along said forest boundary approximately 1-1/2 miles to the center of Section 34, Township 8 North, Range 45 East; Thence south continuing along said forest boundary approximately 1-1/8 miles to the center line of Bitch Creek; Thence southwesterly along the center line of Bitch Creek approximately 10-1/2 miles to the confluence of Bitch Creek with the Teton River; Thence westerly 8 miles along the center line of the Teton River to the west line of Section 21, Township 7 North, Range 43 East; Thence north approximately 1/10 of a mile to the southwest corner of Section 16, Township 7 North, Range 43 East and the point of beginning. (5-3-03)

02. Teton And Portions Of Madison County Seed Potato Crop Management Area. (5-3-03)

a. All of Teton County, Idaho; (5-3-03)

b. That portion of Madison County, Idaho, located in Township 6 North and Township 7 North lying East of Canyon Creek; and (5-3-03)

c. That portion of Madison County, Idaho located in Township 6 North, Range 42 East which includes portions of Sections 11 and 13 located south of Highway 33 and all of Sections 14, 15, 23, and 24. (5-3-03)

03. Lost River Seed Potato Crop Management Area. Those portions of Butte and Custer Counties within Township 3 North to Township 7 North and Range 23 East to Range 27 East. (5-3-03)

04. Caribou and Franklin County Seed Potato Crop Management Area. All of Caribou County, Idaho and all of Franklin County, Idaho. (5-3-03)

05. Almo Valley Bridge Seed Potato Crop Management Area. (5-3-03)

a. That portion of Cassia County, Idaho located in Township 16 South, Range 24 East which includes all of Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36; (5-3-03)

b. That portion of Cassia County, Idaho located in Township 15 South, Range 24 East which includes all of Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36; (5-3-03)

c. That portion of Cassia County, Idaho located in Township 14 South, Range 24 East which includes all of Section 36; (5-3-03)

d. That portion of Cassia County, Idaho located in Township 14 South, Range 25 East which includes all of Sections 19, 20, 29, 30, 31, and 32; (5-3-03)

e. That portion of Cassia County, Idaho located in Township 15 South, Range 25 East which includes all of Sections 5, 6, 7, 8, 18, 19, 20, 29, 30, 31, 32 and the Northeast $\frac{1}{4}$ of Section 33; (5-3-03)

f. That portion of Cassia County, Idaho located in Township 16 South, Range 25 East which includes all of Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 29, 30, 31, 32, 33, 34, 35, and 36; (5-3-03)

g. That portion of Cassia County, Idaho located in Township 16 South, Range 26 East; and (5-3-03)

h. That portion of Cassia County, Idaho located in Township 16 South, Range 27 East which includes all of Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, and 30. (5-3-03)

06. Ririe Reservoir Seed Potato Crop Management Area. (5-3-03)

a. That portion of Bonneville County, Idaho located in Township 3 North, Range 40 East which includes all of Sections 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, 33, 34, 35, and 36; (5-3-03)

b. That portion of Bonneville County, Idaho located in Township 3 North, Range 41 East which includes all of Sections 8, 15, 16, 17, 18, 20, 21, 22, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36; (5-3-03)

c. That portion of Bonneville County, Idaho located in Township 2 North, Range 42 East which includes all of Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34; and (5-3-03)

d. That portion of Bonneville County, Idaho located in Township 3 North, Range 42 East which includes all of Sections 31, 32, and 33. (5-3-03)

07. Picabo Seed Potato Crop Management Area. That portion of Blaine County, Idaho beginning with Township 1S, in Range 18, all of sections 23 and 24, leading into Township 1N, in Range 19 all of sections: 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, and 34. Leading into Township 1S, in Range 19, the W $\frac{1}{2}$ of section 1, and all of sections: 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29. Leading into Township 1S, Range 20, all of sections: 7, 8, 11, 12, 13, 16, 17, 18, 19, 20, 21, 22, 26, 27, 28, 29, 30, 35, and 36, including the N $\frac{1}{2}$ of Sections 33 and 34. Leading into Township 2S, Range 20, all of sections 1, 2, and 12. Leading into Township 1S, Range 21, all of sections: 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, 18, 19, 20, W $\frac{1}{2}$ of section 28, and all of sections 29, 30, 31, 32, and the NW $\frac{1}{4}$ of section 33, from Hwy 20 North, plus section 21 from Dry Creek Road North. Leading into Township 2S, Range 21, all of the W $\frac{1}{2}$ of section 3, and all of the following sections: 4, 5, 6, 7, 8, E $\frac{1}{2}$ of section 9, all of sections 17, 18, 19, 20, 21, 28, 29, 30, and 31, W $\frac{1}{2}$ and the SE $\frac{1}{2}$ of the NE $\frac{1}{4}$ of section 10. Leading into Township 1N, Range 21, all of sections: 30, 31, and 32. All U.S. Department of the Interior, Bureau of Land Management property and property owned by the state of Idaho existing within the above mentioned areas will not be considered part of the management area. (3-20-04)

08. Little Camas Ranch Seed Potato Crop Management Area. (4-6-05)

a. That portion of Elmore County, Idaho located in Township 1 North, Range 9 East, Boise Meridian, which includes the S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 27, the SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, the S $\frac{1}{2}$ S $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, the E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, and all of Section 34; and (4-6-05)

b. That portion of Elmore County, Idaho located in Township 1 South, Range 9 East, Boise Meridian which includes all of Section 4, all less the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and less the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 5, the N $\frac{1}{2}$ NE $\frac{1}{4}$ of

Section 8, and the NW ¼ NE ¼, N ½ NW ¼ of Section 9; and

(4-6-05)

c. That portion of Elmore County, Idaho located in Township 1 South, Range 9 East, Boise Meridian, which includes Lots 1, 2, 3, and 4, and the S ½ N ½, N ½ SE ¼, SW ¼ of Section 3 less Tax Lot 1 described as follows: That portion of Elmore County, Idaho located in Township 1 South Range 9 East, Boise Meridian, described above as Tax Lot 1: Save and Except that portion of S ½ SW ¼, Section 3, Township 1 South, Range 9 East, Boise Meridian, Elmore County, Idaho more particularly described as follows: Commencing at the Southwest corner of Section 3, Township 1 South, Range 9 East, Boise Meridian, and running thence South 89o51' East along the South Section line of said Section 3, a distance of 437 feet to a steel pin in the center of a graveled road, the Real Point of Beginning. Thence continuing from the Real Point of Beginning North 0o04' West a distance of 1,000 feet to a steel pin; thence South 89o51' East a distance of 1,742.4 feet to a steel pin; thence South 0o04' East a distance of 1,000 feet to a steel pin on the South Section line of said Section 3; thence North 89o51' West along the South Section line of said Section 3 a distance of 1,742.4 feet, more or less to the Real Point of Beginning more particularly described as Tax Lot 1.

(4-6-05)

09. Hog Hollow Seed Potato Crop Management Area.

(4-11-06)

a. Beginning at a point that is the northeast corner of Section 19, Township 7 North, Range 43 East, Boise Meridian; Thence south along the eastern border of Section 19, Township 7 North, Range 43 East approximately 3/4 mile to the centerline of the Teton River as it enters said Section 19 at the eastern border of said Section 19; Thence southwesterly along the centerline of the Teton River as it runs through the southeast corner of Section 19, Township 7 North, Range 43 East; Continuing along the centerline of the Teton River as it runs southwesterly into the N1/2 NE1/4 of Section 30, Township 7 North, Range 43 East and then northwesterly out of the N1/2 NE1/4 of said Section 30; Continuing along the centerline of the Teton River as it runs northwesterly from the southern borderline of Section 19, Township 7 North, Range 43 East and then as the river curves southwesterly to the western border of said Section 19; Continuing along the centerline of the Teton River as it runs generally north-northwesterly through Section 24, Township 7 North, Range 42 East to the western border of said Section 24; Continuing along the centerline of the Teton River as it runs generally northwesterly through Section 23, Township 7 North, Range 42 East and to the northern border of said Section 23; Continuing along the centerline of the Teton River as it runs northwesterly through the SW1/4 SW1/4 of Section 14, Township 7 North, Range 42 East to the western border of said Section 14; Continuing along the centerline of the Teton River as it runs generally westerly through Section 15, Township 7 North, Range 42 East to the western border of said Section 15; Continuing along the centerline of the Teton River as it runs southwesterly through the SE1/4 SE1/4 of Section 16, Township 7 North, Range 42 East to the southern border of said Section 16; Thence west approximately 3/4 mile along the southern border of Section 16, Township 7 North, Range 42 East to the southwest corner of said Section 16; Thence north 1 mile along the western border of Section 16, Township 7 North, Range 42 East to the northwest corner of said Section 16; Thence north approximately 1/4 mile along the western border of Section 9, Township 7 North, Range 42 East to the northwest corner of the SW1/4 SW1/4 of said Section 9; Thence west 1 mile along the northern border of the S1/2 S1/2 of Section 8, Township 7 North, Range 42 East to the western border of said Section 8; Thence west 1 mile along the northern border of the S1/2 S1/2 of Section 7, Township 7 North, Range 42 East to the western border of said Section 7; Thence south 1/4 mile to the southeast corner of Section 12, Township 7 North, Range 41 East; Thence west approximately 3/4 mile along the southern border of Section 12, Township 7 North, Range 41 East to the southwest corner of the SE1/4 SW1/4 of said Section 12; Thence north approximately 3/4 mile to the northwest corner of the SE1/4 NW1/4 of Section 12, Township 7 North, Range 41 East; Thence east 1/4 mile along the northern border of the S1/2 NW1/4 of Section 12, Township 7 North, Range 41 East to the southwest corner of the N1/2 NE1/4 of said Section 12; Thence north 1/4 mile along the western border of the NE1/4 of Section 12, Township 7 North, Range 41 East to the northern border of said Section 12; Thence east along the northern border of Section 12, Township 7 North, Range 41 East to the northeast corner of said Section 12; Excluding from the described portion of Section 12, Township 7 North, Range 41 East, Boise Meridian the following parcel; Commencing at the northeast corner of Section 12, Township 7 North, Range 41 East thence North 89°02'34" West, along the north line of said Section, 40.03 feet to a point on the westerly line of a county road; said point being the true point of beginning; thence continuing North 89°02'34" West, along the Section line, 612.05 feet; thence South 253.12 feet; thence East 611.96 feet, to a point on the westerly line of said county road: thence North 242.89 feet to the true point of beginning, containing 3.48 acres more or less; Thence east along the northern border of Section 7, Township 7 North, Range 42 East, Boise Meridian to the northeast corner of said Section 7; Thence east along the northern border of Section 8, Township 7 North, Range 42 East to the northeast corner of said Section 8; Thence east along the northern border of Section 9, Township 7 North, Range 42 East to the northeast corner of said Section 9; Thence east along the

northern border of Section 10, Township 7 North, Range 42 East to the northeast corner of said Section 10; Thence east 1/4 mile along the northern border of Section 11, Township 7 North, Range 42 East to the northeast corner of the NW1/4 NW1/4 of said Section 11; Thence south approximately 3/4 mile to a county road known as the Old Hog Hollow Road, located approximately along the northern border of the S1/2 S1/2 of Section 11, Township 7 North, Range 42 East; Thence east along the county road known as the Old Hog Hollow Road as it travels easterly approximately along the northern border of the S1/2 S1/2 of Section 11, Township 7 North, Range 42 East to the northeast corner of the SW1/4 SE1/4 of said Section 11; Thence southeast along the county road known as the Old Hog Hollow Road as it travels southeasterly through the SE1/4 SE1/4 of Section 11, Township 7 North, Range 42 East to the eastern border of said Section 11; Thence generally easterly along the county road known as the Old Hog Hollow Road as it travels generally easterly through the S1/2 S1/2 of Section 12, Township 7 North, Range 42 East to the eastern border of said Section 12; Thence south approximately 1/4 mile along the eastern border of Section 12, Township 7 North, Range 42 East to the southeast corner of said Section 12; Thence south 1 mile along the eastern border of Section 13, Township 7 North, Range 42 East to the southeast corner of said Section 13; Thence east 1 mile along the northern border of Section 19, Township 7 North, Range 43 East to the northeast corner of said Section 19 the point of beginning. (4-11-06)

b. Including also the following non-contiguous parcel: Beginning at a point that is the northeast corner of Section 5, Township 7 North, Range 42 East, Boise Meridian and continuing south along the eastern border of said Section 5 to the southeast corner of the NE1/4 of said Section 5; Thence west 1 mile along the northern border of the S1/2 of Section 5, Township 7 North, Range 42 East to the western border of said Section 5; Thence north 1/2 mile along the western border of Section 5, Township 7 North, Range 42 East to the northwest corner of said Section 5; Thence north 1/4 mile along the western border of Section 32, Township 8 North, Range 42 East to the northwest corner of the SW1/4 SW1/4 of said Section 32; Thence east 1 mile along the northern border of the S1/2 S1/2 of Section 32, Township 8 North, Range 42 East to the eastern border of said Section 32; Thence south 1/4 mile along the eastern border of Section 32, Township 8 North, Range 42 East to the northeast corner of Section 5, Township 7 North, Range 42 East the point of beginning. (4-11-06)

021. -- 049. (RESERVED)

050. REGULATED ARTICLES.

- 01. Irish Potato.** All plants and plant parts of the Irish potato, *Solanum tuberosum*. (5-3-03)
- 02. Green Peach Aphid Hosts.** All plants which are hosts to the green peach aphid, *Myzus persicae*, including but not limited to peach and apricot trees and bedding plants. (5-3-03)
- 03. Any Host.** Any host which may spread or assist in the spread of any of the diseases or pests of concern (5-3-03)
- 04. Equipment.** All ground working, earth moving, or potato handling equipment shall be cleaned of soil and plant debris and disinfected before entering the Seed Potato Crop Management Areas in order to prevent the introduction of disease(s) or pest(s) of concern. (5-3-03)

051. -- 099. (RESERVED)

100. DISEASES AND PESTS OF CONCERN.

- 01. Introduction of Pests.** Introduction into the Seed Potato Crop Management Areas of any of the pests or diseases listed in this Section by a contaminated vehicle or any other means shall constitute a violation of this rule. (5-3-03)
- 02. Leaf Roll.** *Net necrosis* or leaf roll, caused by potato leaf roll virus. (5-3-03)
- 03. Ring Rot.** Ring rot, *Corynebacterium sepedonicum*. (5-3-03)
- 04. Columbia Root Knot Nematode.** Columbia root knot nematode, *Meloidogyne chitwoodii*. (5-3-03)

05. **Green Peach Aphid.** Green peach aphid, *Myzus persicae*, a vector of the leaf roll virus. (5-3-03)
06. **Northern Root Knot Nematode.** Northern root knot nematode, *Meloidogyne hapla*. (5-3-03)
07. **Corky Ring Spot.** Corky ring spot, a disease caused by tobacco rattle virus. (5-3-03)
08. **Powdery Scab.** Powdery scab, *Spongospora subterranea* (Wallr.) Lagerh. f. sp. *subterranea*. (5-3-03)
09. **Stubby Root Nematode.** Stubby root nematode, *Paratrichodorus pachydermus*, *Paratrichodorus christiei*, *Trichodorus primitivus*. (5-3-03)
10. **Potato Late Blight.** Potato late blight, a disease caused by *Phytophthora infestans*. (5-3-03)
101. -- 149. (RESERVED)
150. **PLANTING OF POTATOES.**
01. **Seed Potato Crop Management Area.** No person shall plant any potatoes in any of the Seed Potato Crop Management Areas except those which have met standards for recertification of the ICIA or equivalent agency of another state or political jurisdiction in accordance with Section 22-503, Idaho Code. (5-3-03)
02. **Certification.** All plantings of potatoes shall be entered for certification with ICIA. The ISDA shall be notified by ICIA of any lots of potatoes rejected. Exceptions: (5-3-03)
- a. All plantings of potatoes in Lost River Seed Potato Crop Management Area; and (5-3-03)
- b. All plantings of potatoes in home gardens which are fifteen one-hundredths (.15) acre or less. (5-3-03)
03. **Home Gardens.** Potatoes planted in home gardens within a Seed Potato Crop Management Area shall be subject to inspection by the ISDA for the pests and diseases listed in Section 100. ISDA shall ensure that proper control measures shall be taken. (5-3-03)
04. **Control.** The grower shall spray with a pesticide or take other control measures approved by ISDA when potato late blight is found within a twenty-five (25) mile radius of a Seed Potato Crop Management Area boundary except the Lost River Seed Potato Crop Management Area. A grower in the Lost River Seed Potato Crop Management Area shall spray with a pesticide or take other control measures approved by ISDA when potato late blight is found within the boundaries of the Lost River Seed Potato Crop Management Area. (5-3-03)
151. -- 199. (RESERVED)
200. **PEACH, APRICOT TREES, OR ANY HOST.** Peach, apricot trees, or any host of green peach aphid growing in Seed Potato Crop Management Areas shall be controlled with an ISDA approved pesticide. (5-3-03)
201. -- 249. (RESERVED)
250. **BEDDING PLANTS.**
01. **Aphid Inspection.** All bedding plants shall be subject to inspection by the Director for aphids. If aphids are found, the plants shall be treated by a method approved by the Director. Such methods may include destruction of infested plants. (5-3-03)
02. **Treatment for Infestation.** Bedding plants in transit to Seed Potato Crop Management Areas shall be subject to inspection for aphids and if found infested, shall be treated in a manner approved by the Director before

delivery into Seed Potato Crop Management Areas. (5-3-03)

03. Treatment of Property. The Director may order treatment of property on which there are bedding plants or cut floral arrangements where he determines such treatment is necessary to control aphids. (5-3-03)

04. Treatment of Cemeteries. All cemeteries within Seed Potato Crop Management Areas shall be sprayed or controlled for insects immediately after the Memorial Day holiday. Such spraying or control shall be done in compliance with all State and Federal laws, rules and regulations. (5-3-03)

251. -- 299. (RESERVED)

300. STORAGE OF POTATOES.

01. Potatoes Produced Within Seed Potato Crop Management Areas. All potatoes grown within Seed Potato Crop Management Areas may be stored within Seed Potato Crop Management Areas. All potatoes found to be infested with any disease or pests of concern as defined in Section 100 shall be removed from Seed Potato Crop Management Areas no later than April 15 of the year following harvest. (5-3-03)

02. Potatoes Produced Outside Seed Potato Crop Management Areas. Before any lot of potatoes can be brought into Seed Potato Crop Management Areas, the lot shall be inspected, certified, and tagged by ICIA, the Federal/State Inspection Service or a recognized equivalent agency of another state or territory in accordance with Section 22-503, Idaho Code except the Lost River Seed Potato Crop Management Area. Before any lot of potatoes can be brought into the Lost River Seed Potato Crop Management Area the lot shall pass ICIA summer inspection or shall be inspected, certified, and tagged by the Federal/State Inspection Service or a recognized equivalent agency of another state or territory in accordance with Section 22-503, Idaho Code. (5-3-03)

301. SEED DISPOSITION NOTIFICATION.

The Federal/State Inspection Service shall notify the ISDA of all seed lots rejected for certification. This notification shall include the variety, grower, storage location and the certification number of each rejected lot. (5-3-03)

302. -- 349. (RESERVED)

350. CULL AND VOLUNTEER POTATOES.

01. Plant Growth. All plant growth on cull potato piles shall be controlled by a state approved chemical or mechanical measure including, but not limited to, burial with a minimum of eighteen (18) inches of soil, field spreading no more than two (2) potato layers and composting. (5-3-03)

02. Destroying Volunteer Potatoes. It shall be the responsibility of each grower within Seed Potato Crop Management Areas to destroy all cull piles and volunteer potatoes growing on summer fallow, set-aside and non-cultivated areas of the grower's property. In the event that the grower fails to destroy such plants, the Director may order them destroyed at the expense of the grower. (5-3-03)

351. -- 399. (RESERVED)

400. TRANSPORTATION OF POTATOES.

01. Responsibilities. It shall be the responsibility of the growers of rejected lots to keep contaminated trucks and equipment, infested vegetable matter and foliage from contaminating public roadways, neighboring fields and cellars. (5-3-03)

02. In Transit. Potatoes in transit through Seed Potato Crop Management Areas shall be in covered vehicles. Potatoes in transit through Seed Potato Crop Management Areas shall not be unloaded in Seed Potato Crop Management Areas. (5-3-03)

401. -- 499. (RESERVED)

500. POTATOES FOR CONSUMPTION.

Potatoes for human and animal consumption, grown outside Seed Potato Crop Management Areas as defined in Section 020, shall be treated with a sprout inhibitor before being offered for sale within Seed Potato Crop Management Areas as defined in Section 020. (5-3-03)

501. -- 999. (RESERVED)

**IDAPA 02
TITLE 06
CHAPTER 32**

02.06.32 – RULES CONCERNING THE ANTHRACNOSE DISEASE OF LENTIL

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 22-2006, Idaho Code. (6-30-19)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is “Rules Concerning the Anthracnose Disease of Lentil.” (3-24-95)

02. Scope. These rules prohibit the importation of regulated products into the state of Idaho from areas under quarantine, provide inspection and control procedures, enforcement powers, and penalty provisions. (3-24-95)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (3-24-95)

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeal before the Department of Agriculture under this chapter. Hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code. (3-24-95)

004. INCORPORATION BY REFERENCE.

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

005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS.

The Idaho State Department of Agriculture central office is located at 2270 Old Penitentiary Road, Boise, ID 83712-8298. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The mailing address is PO Box 7249, Boise, Idaho 83707. The phone number is (208) 332-8500 and the fax number is (208) 334-2170. The Department web address is <https://agri.idaho.gov/>. (6-30-19)T

006. PUBLIC RECORDS ACT COMPLIANCE.

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

007. -- 009. (RESERVED)

010. DEFINITIONS.

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

011. -- 049. (RESERVED)

050. REGULATED DISEASE.

The anthracnose disease of lentil, caused by the fungi identified as *Colletotrichum truncatum* (Schwein) Andrus & W.D. Moore and *Colletotrichum destructivum*. (3-24-95)

051. -- 099. (RESERVED)

100. REGULATED PRODUCTS.

The seeds and vegetative parts of lentil, *Vicia* sp., faba beans, peas, Tangier pea, vetch, and other host of the regulated disease. (3-24-95)

101. -- 149. (RESERVED)

150. AREA UNDER QUARANTINE.

The Canadian provinces of Manitoba and Saskatchewan and all states and territories of the United States and foreign countries known to have confirmed the presence of the anthracnose of lentil. (3-24-95)

151. -- 199. (RESERVED)

200. SHIPMENTS.

No person shall import any regulated products into Idaho for planting purposes from any area under quarantine. (3-24-95)

201. -- 299. (RESERVED)

300. INSPECTION AND CONTROL PROCEDURES.

01. Inspection. The Department may inspect any regulated product or planting of regulated products during any time of the year to determine if the regulated disease is present therein. If the Department finds that any regulated product or planting of the same is infected or otherwise in violation of these rules, it shall direct the control and/or the eradication of the infection. (3-24-95)

02. Control. The control and/or the eradication methods shall be only those approved by the Director, shall be at the expense of the owner, and may include but are not limited to: (3-24-95)

a. Any infected regulated product shall be destroyed. (3-24-95)

b. The infected crop shall be sprayed with fungicide(s) registered with the United States Environmental Protection Agency and the state of Idaho. (3-24-95)

c. Any infested field shall not be planted to any regulated products cited in Section 100. (3-24-95)

d. Volunteer regulated products cited in Section 100 growing in any infested field shall be destroyed by a method(s) approved by the Director. (3-24-95)

301. -- 999. (RESERVED)

**IDAPA 02
TITLE 06
CHAPTER 38**

02.06.38 – RULES GOVERNING PLUM CURCULIO

000. LEGAL AUTHORITY.

This chapter is adopted under legal authority of Sections 22-2004 and 22-2006, Idaho Code. (6-30-19)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.38, “Rules Governing Plum Curculio.” (5-3-03)

02. Scope. This quarantine will restrict the shipment of regulated articles from regulated areas into Idaho. (5-3-03)

002. WRITTEN INTERPRETATIONS.

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

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeal before the Department of Agriculture under this chapter. Hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code. (3-23-98)

004. INCORPORATION BY REFERENCE.

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

005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS.

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006. PUBLIC RECORDS ACT COMPLIANCE.

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

007. -- 009. (RESERVED)

010. DEFINITIONS.

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

011. -- 049. (RESERVED)

050. REGULATED PEST.

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

051. -- 099. (RESERVED)

100. AREA UNDER QUARANTINE.

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

101. -- 149. (RESERVED)

150. ARTICLES AND COMMODITIES COVERED.

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

- a. Apple (*Malus* spp.); (3-23-98)
 - b. Apricot (*Prunus armeniaca*); (3-23-98)
 - c. Cherry, black (*P. serotina*); (3-23-98)
 - d. Cherry, choke (*P. virginiana*); (3-23-98)
 - e. Cherry, pin (*P. pensylvanica*); (3-23-98)
 - f. Cherry, sand (*P. pumila*); (3-23-98)
 - g. Cherry, sour (*P. cerasus*); (3-23-98)
 - h. Cherry, sweet (*P. avium*); (3-23-98)
 - i. Crabapple (*Malus* spp.); (3-23-98)
 - j. Hawthorn or haw (*Crataegus* spp.); (3-23-98)
 - k. Nectarine (*Prunus persica nectarina*); (3-23-98)
 - l. Peach (*P. persica*); (3-23-98)
 - m. Pear (*Pyrus communis*); (3-23-98)
 - n. Plum, American (wild) (*Prunus alleghaniensis*); (3-23-98)
 - o. Plum, beach (*P. maritima*); (3-23-98)
 - p. Plum, European (*P. domestica*); (3-23-98)
 - q. Plum, Japanese (*P. salicina*); (3-23-98)
 - r. Prune (*P. spp.*); (3-23-98)
 - s. Quince (*Cydonia oblonga*). (3-23-98)
- 02. Soil.** Soil or other growing medium within the drip zone of plants producing or which have produced fruit as listed in Subsection 150.01. (3-23-98)

151. -- 199. (RESERVED)

200. RESTRICTIONS.

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

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

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

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

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

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

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

201. -- 999. (RESERVED)

**IDAPA 02
TITLE 06
CHAPTER 39**

02.06.39 – RULES GOVERNING MINIMUM STANDARDS FOR PLANTING SEED POTATOES

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 22-505, Idaho Code. (3-23-98)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.39, “Rules Governing Minimum Standards for Planting Seed Potatoes.” (4-2-08)

02. Scope. These rules will establish the procedures of identifying, handling and testing uncertified seed potatoes to be planted in Idaho. These rules also provide record keeping requirements for the planting of certified seed potatoes. (4-2-08)

002. WRITTEN INTERPRETATIONS.

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

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeal before the Department of Agriculture under this chapter. Hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code. (3-23-98)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (6-30-19)T

005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS.

The Idaho State Department of Agriculture central office is located at 2270 Old Penitentiary Road, Boise, ID 83712-8298. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The mailing address is PO Box 7249, Boise, Idaho 83707. The phone number is (208) 332-8500 and the fax number is (208) 334-2170. The Department web address is <https://agri.idaho.gov/>. (6-30-19)T

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code and are public records. (6-30-19)T

007. -- 009. (RESERVED)

010. DEFINITIONS.

The Idaho Department of Agriculture adopts the definitions set forth in Section 22-501, Idaho Code, and additionally the following: (3-23-98)

01. Disease. Disease means any fungus, bacteria, virus, or other organism injurious to plant life or plant products, including the spore or any other propagative state thereof. (3-23-98)

02. Pest. Pest means any form of animal life which is or may be detrimental or injurious to plant life or plant products, including the egg, larva, pupa, or any other immature stage thereof. (3-23-98)

011. -- 049. (RESERVED)

050. REQUIREMENTS - UNCERTIFIED SEED POTATOES SHALL BE:

01. No More Than One Generation. No more than one (1) generation from certified parent seed potatoes. (3-23-98)

02. Grown by the Farmer. Grown by the farmer and separated and graded at the storage of the farmer

planting the uncertified seed potatoes. (3-23-98)

03. Planting. Planted only on the farm of the farmer who produced the uncertified seed potatoes. (3-23-98)

04. Disease Content. In compliance with ICIA rules of certification for seed potatoes by having a disease content that does not exceed the standard for the last generation of certified seed potatoes. (3-23-98)

05. Laboratory Testing. Laboratory tested for bacterial ring rot prior to planting. (3-23-98)

06. Laboratory Tested and/or Grown Out. Laboratory tested and/or grown-out for potato leaf roll virus and potato virus Y prior to planting. (3-23-98)

07. Testing by Designated Agencies. Laboratory and/or grow-out tested by agencies designated by the department. (3-23-98)

08. Sampling. Sampled in accordance with procedures established by the department. (3-23-98)

051. -- 059. (RESERVED)

060. ENFORCEMENT.

01. Reporting – Uncertified Seed Potatoes. All growers planning to plant uncertified seed potatoes shall complete an uncertified seed potatoes report form approved by the department and submit it to the department prior to planting. (4-2-08)

02. Records - Certified Seed Potatoes. All potato growers are required to keep seed potato certification records for a minimum of four years after planting. The records may be official tags or other official documentation issued by the certifying agency and representing each lot planted. These records must include the potato variety name, certification number and certifying agency. These records are to be made available to a Department representative upon request. (4-2-08)

061. – 999. (RESERVED)