

**IDAPA 02
TITLE 06
CHAPTER 13**

**02.06.13 - RULES RELATING TO RAPESEED PRODUCTION AND ESTABLISHMENT
OF RAPESEED DISTRICTS IN THE STATE OF IDAHO**

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 Establishment of Rapeseed Districts in the State of Idaho.” (9-1-94)

02. Scope. This chapter has the following scope: These rules shall govern procedures for rapeseed production and rapeseed districts. The official citation of this chapter is IDAPA 02.06.13.000 et. seq. For example, this section’s citation is IDAPA 02.06.13.001. (9-1-94)

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. DEFINITIONS.

01. Department. The Department of Agriculture of the state of Idaho. (7-1-93)

02. Director. The Director of the Department or his duly authorized agent. (7-1-93)

03. Person. A natural person, individual, firm, partnership, corporation, company, society, association, cooperative, two (2) or more persons having a joint or common interest, or any unit or agency of local, state, or federal government. (7-1-93)

04. 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)

05. Rapeseed. Those species of *Brassica napus*, *Brassica rapa* (formerly *Brassica campestris*), and *Brassica juncea*. (4-4-13)

06. 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)

07. Volunteer Rapeseed. A plant that arises from accidental or unintentional scattering of seed. (7-1-93)

08. Condiment Mustard. Varieties of *Brassica juncea* produced for seed to be used for spice or condiment. (4-4-13)

09. Green Manure Rapeseed. Varieties of rapeseed used as a cover crop to be plowed down prior to flowering and maturity. (4-4-13)

005. -- 049. (RESERVED)

050. PRODUCTION DISTRICTS.

01. District I. All land ~~south of the Canadian border and north of U.S. Interstate 90~~ in Idaho not listed under District II below. (7-1-93)

~~**02. District II.** All land south of U.S. Interstate 90 and north of the Clearwater River. (7-1-93)~~

~~**03. District III.** All land south of the Clearwater River and north of the Salmon River. (7-1-93)~~

04. District IV. All land within the boundaries of Ada, Canyon, Gem, Owyhee (north of Murphy) and Payette counties. (9-1-94)

~~**05. District V.** All land within the boundaries of Elmore, Owyhee (south of Murphy), and Washington counties. (9-1-94)~~

~~**06. District VI.** All land within the boundaries of Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka and Twin Falls counties. (9-1-94)~~

~~**07. District VII.** All land within the boundaries of Bannock, Bear Lake, Bingham, Bonneville, Caribou, Clark, Franklin, Fremont, Jefferson, Madison, Oneida, Power and Teton counties. (9-1-94)~~

051. -- 099. (RESERVED)

100. RESTRICTIONS.

01. District I, V, VI, and VII. Except as otherwise provided in this rule, only industrial and edible types of rapeseed may be planted in District I, ~~V, VI, and VII.~~ (9-1-94)

02. District II, III, and IV. Except as otherwise provided in this rule, ~~only industrial types of rapeseed~~

~~may be planted in District II and III, and~~ no rapeseed of either variety or type may be planted in District ~~IV~~. (7-1-93)

03. ExemptionsRestrictions: (7-1-93)

a. Industrial types of rapeseed ~~may be~~ planted in District ~~I, V, VI, and VII under~~ must adhere to these following conditions:

i. It is the responsibility of the person planting industrial types of rapeseed in District ~~I, V, and VI~~ to consult with and obtain the written approval from all farmers bordering the fields to be planted with industrial types of rapeseed. (7-1-93)

ii. Industrial types of rapeseed planted in District ~~I, V, VI, and VII~~ must be at least one (1) mile from a field planted to edible types of rapeseed. (9-1-94)

~~b. Spring edible types of rapeseed may be planted in Districts II and III, and winter edible types of rapeseed may be planted in District III. Planting of spring and winter edible types of rapeseed are subject to the following conditions:~~ (3-20-97)

~~i. It is the responsibility of the person planting spring or winter edible types of rapeseed in Districts II and III to consult with and obtain the written approval from all farmers bordering the fields to be planted with the spring or winter edible type of rapeseed. (3-20-97)~~

~~ii. Spring or winter edible types of rapeseed planted in Districts II and III must be at least one (1) mile from a field planted to industrial types of rapeseed. (3-20-97)~~

~~e. This amendment to Subsections 100.03.b.i. and 100.03.b.ii. is reasonably necessary to confer benefits to the rapeseed/canola industry. The proposed rule change was requested by farmers in Idaho and Lewis counties. The proposed rule change will enable the farmers to plant the winter edible type of rapeseed. (3-20-97)~~

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. Every violation of the provisions of these rules shall be a misdemeanor and shall be punished by a fine not exceeding one thousand dollars (\$1,000).

(7-1-93)

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)

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