

Dear Senators BURTENSHAW, Bayer, Nelson, and
Representatives KAUFFMAN, Andrus, Toone:

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

IDAPA 02.04.04 - Rules for Artificial Dairy Products (ZBR Chapter Rewrite) - Proposed Rule
(Docket No. 02-0404-2201);

IDAPA 02.04.15 - Rules Governing Beef Cattle Animal Feeding Operations (ZBR Chapter Rewrite)
- Proposed Rule (Docket No. 02-0415-2201);

IDAPA 02.04.17 - Rules Governing Dead Animal Movement and Disposal (ZBR Chapter Rewrite) -
Proposed Rule (Docket No. 02-0417-2201);

IDAPA 02.04.29 - Rules Governing Trichomoniasis (ZBR Chapter Rewrite) - Proposed Rule (Docket
No. 02-0429-2201).

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 08/09/2022. 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 09/06/2022.

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.



Terri Kondeff
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 20, 2022

SUBJECT: Department of Agriculture

IDAPA 02.04.04 - Rules for Artificial Dairy Products (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 02-0404-2201)

IDAPA 02.04.15 - Rules Governing Beef Cattle Animal Feeding Operations (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 02-0415-2201)

IDAPA 02.04.17 - Rules Governing Dead Animal Movement and Disposal (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 02-0417-2201)

IDAPA 02.04.29 - Rules Governing Trichomoniasis (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 02-0429-2201)

1. IDAPA 02.04.04 - Rules for Artificial Dairy Products

Summary and Stated Reasons for the Rule

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.04.04 - Rules for Artificial Dairy Products. This is a Zero-Based Regulation chapter rewrite. According to the department, redundant language that is verbatim to that in statute has been removed. The department notes that the rule provides authority for the enforcement of a written stop sale for artificial dairy products as determined by the department. The department also states that the entire rule regulates an activity not regulated by the federal government.

Negotiated Rulemaking / Fiscal Impact

The department states that two negotiated rulemaking meetings were conducted and that there is no fiscal impact associated with the rulemaking.

Statutory Authority

The rulemaking appears to be authorized pursuant to Section 37-303, Idaho Code.

Paul Headlee, Deputy Director Legislative Services Office	Kristin Ford, Manager Research & Legislation	Keith Bybee, Manager Budget & Policy Analysis	April Renfro, Manager Legislative Audits	Glenn Harris, Manager Information Technology
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Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

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

2. IDAPA 02.04.15 - Rules Governing Beef Cattle Animal Feeding Operations

Summary and Stated Reasons for the Rule

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.04.15 - Rules Governing Beef Cattle Animal Feeding Operations. This is a Zero-Based Regulation chapter rewrite. According to the department, redundant language that is verbatim to that in statute has been removed. The department states that IDAPA 02.04.15.013, 02.04.15.031, 02.04.15.032 and 02.04.15.040 are broader in scope than federal law or regulations.

Negotiated Rulemaking / Fiscal Impact

The department notes that negotiated rulemaking was conducted and that there is no fiscal impact associated with the rulemaking.

Statutory Authority

The rulemaking appears to be authorized pursuant to Sections 22-110 and 22-4903, Idaho Code.

3. IDAPA 02.04.17 - Rules Governing Dead Animal Movement and Disposal

Summary and Stated Reasons for the Rule

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.04.17 - Rules Governing Dead Animal Movement and Disposal. This is a Zero-Based Regulation chapter rewrite. According to the department, redundant language that is verbatim to that in statute has been removed. The department notes that the entirety of the rule regulates an activity not regulated by the federal government.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted and there is no fiscal impact associated with the rulemaking.

Statutory Authority

The rulemaking appears to be authorized pursuant to Sections 25-203 and 25-237, Idaho Code.

4. IDAPA 02.04.29 - Rules Governing Trichomoniasis

Summary and Stated Reasons for the Rule

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.04.29 - Rules Governing Trichomoniasis. This is a Zero-Based Regulation chapter rewrite. According to the department, redundant language that is verbatim to that in statute has been removed. The department notes that the entirety of the rule regulates an activity not regulated by the federal government.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted and there is no fiscal impact associated with the rulemaking.

Statutory Authority

The rulemaking appears to be authorized pursuant to Section 25-203, Idaho Code.

cc: Department of Agriculture
Lloyd Knight

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

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

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.04.04 – RULES FOR ARTIFICIAL DAIRY PRODUCTS
DOCKET NO. 02-0404-2201 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 37-303, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 20, 2022.

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

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule is being presented for authorization as part of the ISDA’s plan to review each rule every 5 years. Redundant language that is verbatim in statute has been removed, consistent with the Governor’s [Zero-Based Regulation Executive Order](#).

The rule was reviewed over the course of two negotiated rulemaking meetings, and that review benefited from the participation of program stakeholders. No negative comments were submitted as part of this rulemaking process.

The rule provides the authority for the enforcement of a written stop sale for artificial dairy products as determined by the Department. This rule is authorized by 37-303, Idaho Code. The issue of artificial dairy products in the marketplace cannot be authorized by non-regulatory measures.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There is no fee associated with this rule.

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

There is no fiscal impact associated with this rulemaking.

IDAHO CODE SECTION 22-101A STATEMENT: Pursuant to 22-101A(1), for any rule promulgated or adopted by the director which is broader in scope or more stringent than federal law or regulations, or which regulates an activity not regulated by the federal government, the director shall identify the portions of the adopted rule that are broader in scope or more stringent than federal law or rules, or which regulate an activity not regulated by the federal government. The following sections of the rule are broader in scope, more stringent than federal law or regulations, or regulate an activity not regulated by the federal government:

The entire rule regulates an activity not regulated by the federal government. The detailed 22-101A analysis can be found on the agency’s website at www.agri.idaho.gov.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the January 5, 2022 Idaho Administrative Bulletin, [Vol. 22-1, page 11](#) under Docket No. 02-ZBRR-2201.

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

No documents are incorporated by reference in this rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Dr. Scott Leibsle, Administrator, Division of Animal Industries, at (208) 332-8500 or scott.leibsle@isda.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 27, 2022.

DATED this July 6, 2022.

Lloyd B. Knight
Rules Review Officer
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, Idaho 83707
Phone: (208) 332-8664
Fax: (208) 334-2170
Email: rulesinfo@isda.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0404-2201
(Zero Based Regulation (ZBR) Chapter Rewrite)

02.04.04 – RULES FOR ARTIFICIAL DAIRY PRODUCTS

000. LEGAL AUTHORITY.
Section 37-303, Idaho Code. ()

001. SCOPE.
These rules govern the process, sale, and distribution of artificial dairy products. ()

002. – 099. (RESERVED)

100. GENERAL.
The Department will 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 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. ()

101. – 999. (RESERVED)

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.04.15 – RULES GOVERNING BEEF CATTLE ANIMAL FEEDING OPERATIONS
DOCKET NO. 02-0415-2201 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 22-110 and 22-4903, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 20, 2022.

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

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule is being presented for authorization as part of the ISDA’s plan to review each rule every 5 years. Redundant language that is verbatim in statute has been removed, consistent with the Governor’s [Zero-Based Regulation Executive Order](#).

The rule was reviewed over the course of two negotiated rulemaking meetings, and that review benefited from the participation of program stakeholders, including regulated industry and other stakeholders.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There is no fee associated with this rule.

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

There is no fiscal impact associated with this rulemaking.

IDAHO CODE SECTION 22-101A STATEMENT: Pursuant to 22-101A(1), for any rule promulgated or adopted by the director which is broader in scope or more stringent than federal law or regulations, or which regulates an activity not regulated by the federal government, the director shall identify the portions of the adopted rule that are broader in scope or more stringent than federal law or rules, or which regulate an activity not regulated by the federal government. The sections of the rule which are broader in scope, more stringent than federal law or regulations, or regulate an activity not regulated by the federal government:

IDAPA 02.04.15.013, 02.04.15.031, 02.04.15.032, 02.04.15.040, are broader in scope than federal law or regulations.

The detailed 22-101A analysis can be found on the agency’s website at www.agri.idaho.gov.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the January 5, 2022 Idaho Administrative Bulletin, [Vol. 22-1, page 11](#) under Docket No. 02-ZBRR-2201.

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

The following documents are incorporated by reference, and are important content due to the need for clear and standardized design specifications for nutrient containment and management.

The 1997 United States Department of Agriculture Natural Resources Conservation Service Agricultural Waste Management Field Handbook, Appendix 10 D.

Society of Agricultural and Biological Engineers Specification ASAE EP393.3 Manure Storages February 2004.

The 1999 Publication by the United States Department of Agriculture, Natural Resource Conservation Service, Conservation Practice Standard, Nutrient Management Code 590.

The Phosphorus Site Index: A Systematic Approach to Assess the Risk of Nonpoint Source Pollution of Idaho Waters by Agricultural Phosphorus, 2022.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Dr. Scott Leibsle, Administrator, Division of Animal Industries, at (208) 332-8500 or scott.leibsle@isda.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 27, 2022.

DATED this July 6, 2022.

Lloyd B. Knight
Rules Review Officer
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, Idaho 83707
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0415-2201
(Zero Based Regulation (ZBR) Chapter Rewrite)

02.04.15 – RULES GOVERNING BEEF CATTLE ANIMAL FEEDING OPERATIONS

000. LEGAL AUTHORITY.

Sections 22-110 and 22-4903, Idaho Code.

()

001. SCOPE.

These rules govern the design, function, and management practices of waste systems on beef cattle animal feeding operations. Nothing in this rule affects the authority of the Department of Environmental Quality to enforce an IPDES permit for dairy farms that discharge pollutants to waters of the United States, including without limitation, the authority to issue permits, access records, conduct inspections and take enforcement actions. The provisions of this rule do not alter the requirements, liabilities, and authorities with respect to or established by the IPDES program.

()

002. INCORPORATION BY REFERENCE.

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

01. The 1997 United States Department of Agriculture Natural Resources Conservation Service Agricultural Waste Management Field Handbook, Appendix 10 D. This document can be viewed online at <http://directives.sc.egov.usda.gov/OpenNonWebContent.aspx?content=17767.wba>. ()

02. Society of Agricultural and Biological Engineers Specification ASAE EP393.3 Manure Storages February 2004. This document is part of a copyrighted publication and is available for viewing at the ISDA offices or a copy may be purchased online at <http://www.asabe.org/>. ()

03. The 1999 Publication by the United States Department of Agriculture, Natural Resource Conservation Service, Conservation Practice Standard, Nutrient Management Code 590. This can be viewed online at https://agri.idaho.gov/main/wp-content/uploads/2017/08/nutrient_Management_code_590.pdf. ()

04. The Phosphorus Site Index: A Systematic Approach to Assess the Risk of Nonpoint Source Pollution of Idaho Waters by Agricultural Phosphorus, 2022. This document is available online at <https://agri.idaho.gov/main/wp-content/uploads/2022/03/PSIBeef.pdf>. ()

003. DEFINITIONS.

The following definitions apply in the interpretation and enforcement of this chapter. ()

01. Animal. Bovidae, ovidae, suidae, equidae, captive cervidae, captive antilocapridae, camelidae, and ratiidae. ()

02. Animal Feeding Operation. A lot or facility where slaughter and feeder cattle or dairy heifers are confined and fed for a total of forty-five (45) days or more during any twelve-month (12) period and crops, vegetation forage growth, or post harvest residues are not sustained in the normal growing season over any portion of the lot or facility. ()

03. Compost. A biologically stable material derived from the biological decomposition of organic matter. ()

04. Concentrated Animal Feeding Operation. An AFO that is defined as a large CAFO or as a medium CAFO by the terms of this section and designated by the Director. Two (2) or more AFOs under common ownership on contiguous property are considered to be a single AFO for the purposes of determining the number of animals at an operation, if they adjoin each other, or if they use a common area or system for the disposal of wastes. ()

05. Discharge. Release of process wastewater or manure from a beef cattle animal feeding operation to waters of the state. ()

06. Idaho Pollutant Discharge Elimination System (IPDES). Idaho's program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under these rules and the Clean Water Act sections 307, 402, 318, and 405. ()

07. Land Application. The spreading on, or incorporation of manure or process wastewater into the soil. ()

08. Large Concentrated Animal Feeding Operation. An AFO is defined as a large CAFO if it stables or confines as many as or more than the numbers of cattle specified in any of the following categories: ()

a. Seven hundred (700) mature dairy cows, whether milked or dry; ()

b. One thousand (1,000) veal calves; ()

c. One thousand (1,000) cattle other than mature dairy cows or veal calves. Cattle includes but is not ()

limited to heifers, steers, bulls and cow/calf pairs; ()

09. Medium Concentrated Animal Feeding Operation. A medium CAFO includes any AFO that has been defined or designated as CAFO and stables or confines the number of cattle that fall within any of the following ranges: ()

a. Two hundred (200) to six hundred ninety-nine (699) mature dairy cows, whether milked or dry; ()

b. Three hundred (300) to nine hundred ninety-nine (999) veal calves; ()

c. Three hundred (300) to nine hundred ninety-nine (999) cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs; ()

10. Operate. Confining and feeding slaughter and feeder cattle in the state of Idaho. ()

11. Operator. The person who has power or authority to manage, or direct, or has financial control of a beef cattle animal feeding operation. ()

12. Phosphorus Site Index. A method to evaluate the relative potential for off-site movement of phosphorus from a field or pasture based upon risk factors relating to surface transport, phosphorus loss potential and nutrient management practices. ()

13. Runoff. Any precipitation that comes into contact with manure, compost, bedding, or feed on a beef cattle animal feeding operation. ()

14. Slaughter and Feeder Cattle. All cattle except those cattle located on a dairy farm permitted by the Idaho State Department of Agriculture pursuant to IDAPA 02.04.14, "Rules Governing Dairy Byproduct." ()

15. Small Concentrated Animal Feeding Operation. An AFO that is designated as a CAFO and is not a medium or large CAFO. ()

004. ABBREVIATIONS.

01. AFO. Animal Feeding Operation. ()

02. CAFO. Concentrated Animal Feeding Operation. ()

03. IPDES. Idaho Pollutant Discharge Elimination System. ()

04. NMP. Nutrient Management Plan. ()

05. NRCS. United States Department of Agriculture, Natural Resources Conservation Service. ()

06. PSI. Phosphorus Site Index ()

005. PROHIBITED DISCHARGES.

Unauthorized discharges of manure or process wastewater from beef cattle AFOs or land application sites owned or controlled by a beef cattle AFO are prohibited. ()

006. NOTIFICATION OF DISCHARGE.

01. Notification Within Twenty-Four Hours of Discharge. Within twenty-four (24) hours of learning of a discharge, the operator of a beef cattle AFO shall verbally notify the Director of such a discharge. ()

007. -- 019. (RESERVED)

020. WASTEWATER STORAGE AND CONTAINMENT FACILITIES.

01. Wastewater Storage and Containment Facilities. All beef cattle AFOs where process wastewater leaves the confinement area and has the potential to impact surface water or be in violation of state water quality standards shall have wastewater storage and containment facilities designed, constructed, operated, and maintained sufficient to contain: ()

a. All process wastewater generated on the facility during the non-land application season; and ()

b. The runoff from a twenty-five (25) year, twenty-four (24) hour rainfall event; and ()

c. Either three (3) inches of runoff from the accumulation of winter precipitation or the amount of runoff from the accumulation of precipitation from a one-in-five (1 in 5) year winter. ()

02. All Substances Entering Wastewater Storage and Containment Facilities. All substances entering wastewater storage and containment facilities shall be composed of manure and process wastewater from the operation of the beef cattle AFO. The disposal of any other materials into a wastewater storage and containment facility, including, but not limited to, human waste, is prohibited. ()

021. NEW OR MODIFIED BEEF CATTLE ANIMAL FEEDING OPERATIONS.

Each new or modified beef cattle AFO shall design and construct wastewater storage and containment facilities completed after July 1, 2000, in accordance with the engineering standards and specifications contained in the Natural Resources Conservation Service Agricultural Waste Management Field Handbook, Appendix 10D or the American Society of Agricultural Engineers Standard EP393.3, or other equally protective standards approved by the Director. ()

022. -- 029. (RESERVED)

030. NUTRIENT MANAGEMENT.

Each beef cattle AFO shall submit a NMP for land owned or controlled by the operator, which conforms to the nutrient management standard and addresses odors generated in excess of odors normally associated with raising beef cattle in Idaho, to the Director for approval. Following department review and approval, the plan, and all copies of the plan, shall be returned to the operation and maintained on site. ()

01. Implementation of a Nutrient Management Plan. Failure to implement an approved NMP is a violation of these rules. ()

031. PHOSPHORUS MANAGEMENT.

Beef cattle AFOs must utilize either Phosphorus Indexing or Phosphorus Threshold to manage nutrient application. ()

01. Phosphorus Indexing. The PSI shall be calculated annually by a certified planner for each field receiving land application of manure or process wastewater. A beef cattle AFO must implement best management practices that fully conform to NRCS standards to receive full BMP Coefficient credit. The Department may award zero (0) or partial credit for non-conformity to NRCS standards. ()

02. Phosphorus Threshold. Land application of phosphorus to fields that have exceeded the soil phosphorus threshold established in the NMS shall be limited to the appropriate crop uptake rate. ()

032. NUTRIENT MANAGEMENT RECORDS.

The operators of beef cattle AFOs shall keep complete and accurate records of: ()

01. Land Application. The dates and amounts of any manure or process wastewater applied on land owned or controlled by the operator. ()

02. Manure Transferred to Another Person. The name and address of any third party that receives manure or process wastewater from the operation, including the dates of the transfer and the amount of manure or process wastewater transferred. ()

033. -- 039. (RESERVED)

040. DESIGNATION OF BEEF CATTLE ANIMAL FEEDING OPERATIONS.

01. Designation of Animal Feeding Operations. The Director, on a case by case basis, may designate any AFO that confines slaughter and feeder cattle as a beef cattle AFO if, after an inspection, the Director determines that the AFO is a significant contributor of pollution to waters of the state. When designated, these operations shall be considered existing beef cattle AFOs. The Director considers the following factors when making such designation: ()

- a. Size of the AFO and the amount of manure, process wastewater, and runoff reaching waters of the state; ()
- b. Location of the AFO relative to waters of the state; ()
- c. Means of conveyance of manure, process wastewater, and runoff into waters of the state; and ()
- d. Slope, vegetation, precipitation, and other factors affecting the likelihood or frequency of discharge of manure, process wastewater, or runoff into waters of the state. ()

02. Redesignation of a Beef Cattle Animal Feeding Operation. Upon request by the operator, the Director will redesignate a facility previously designated under Section 040, if the facility is no longer a significant contributor of pollution to waters of the state. Such redesignation is provided to the operator in writing. ()

041. -- 049. (RESERVED)

050. ADMINISTRATION OF IPDES PROGRAM.

The Director of the Department of Agriculture and the Director of the Department of Environmental Quality shall, as appropriate, establish an agreement relating to the administration of an IPDES program that recognizes the expertise of the Department of Agriculture. ()

051. COMPLIANCE WITH IDAHO POLLUTANT DISCHARGE ELIMINATION SYSTEM RULES.

The Department of Environmental Quality shall be solely responsible and authorized to determine whether the discharge of pollutants from a beef cattle feeding operation is required to be authorized by an IPDES permit. The provisions of this rule do not define when a beef cattle feeding operations is required to obtain a permit for a discharge, do not exempt a beef cattle feeding operation from permitting requirements for such discharges or alter the authority of DEQ with respect to such discharges. ()

052. -- 999. (RESERVED)

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.04.17 – RULES GOVERNING DEAD ANIMAL MOVEMENT AND DISPOSAL
DOCKET NO. 02-0417-2201 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 25-203 and 25-237, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 20, 2022.

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

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule is being presented for authorization as part of the ISDA’s plan to review each rule every 5 years. Redundant language that is verbatim in statute has been removed, consistent with the Governor’s [Zero-Based Regulation Executive Order](#).

The rule was reviewed over the course of two negotiated rulemaking meetings, and that review benefited from the participation of program stakeholders, including regulated industry and other stakeholders.

This rule is necessary to effectively enforcement the statutory authorities found in 22-237, Idaho Code. The proposed changes ensure that the rule is clear and concise in accordance with the Executive Order.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There is no fee associated with this rule.

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

There is no fiscal impact associated with this rulemaking.

IDAHO CODE SECTION 22-101A STATEMENT: Pursuant to 22-101A(1), for any rule promulgated or adopted by the director which is broader in scope or more stringent than federal law or regulations, or which regulates an activity not regulated by the federal government, the director shall identify the portions of the adopted rule that are broader in scope or more stringent than federal law or rules, or which regulate an activity not regulated by the federal government. The sections of the rule which are broader in scope, more stringent than federal law or regulations, or regulate an activity not regulated by the federal government:

The entire rule in its entirety regulates an activity not regulated by the federal government. The detailed 22-101A analysis can be found on the agency’s website at www.agri.idaho.gov.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the January 5, 2022 Idaho Administrative Bulletin, [Vol. 22-1, page 11](#) under Docket No. 02-ZBRR-2201.

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

Livestock Carcass Composting Best Practices. 2022. Compiled by ISDA from other sources and housed on the ISDA website or available upon request.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Dr. Scott Leibsle, Administrator, Division of Animal Industries, at (208) 332-8500 or scott.leibsle@isda.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 27, 2022.

DATED this July 6, 2022.

Lloyd B. Knight
Rules Review Officer
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, Idaho 83707
Phone: (208) 332-8664
Fax: (208) 334-2170
Email: rulesinfo@isda.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0417-2201
(Zero Based Regulation (ZBR) Chapter Rewrite)

02.04.17 – RULES GOVERNING DEAD ANIMAL MOVEMENT AND DISPOSAL

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 25-203 and 25-237, Idaho Code. ()

001. SCOPE.

These rules govern the management, movement and disposal of dead animals. ()

002. INCORPORATION BY REFERENCE.

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

01. Livestock Carcass Composting Best Practices, 2022. This document can be viewed online at <https://agri.idaho.gov/main/wp-content/uploads/2022/06/Dead-Animal-Composting-BMPs-final-6.13.22.pdf>. ()

003. -- 009. (RESERVED)

010. DEFINITIONS.

01. Abandon. To desert or intentionally leave a dead animal without proper disposal as provided in these rules. ()

02. Air Curtain Incineration. A mechanical process of incineration by which super-heated air is continuously circulated to enhance combustion. ()

03. Burning. The act of consuming or destroying by fire with or without the use of an accelerant. ()

- 04. Composting.** The biological decomposition of organic matter under controlled conditions. ()
- 05. Dead Animals.** Carcasses and parts of carcasses from domestic livestock including, but not limited to: bovidae, suidae, equidae, captive cervidae, camelidae, ratitidae, gallinaceous birds and captive waterfowl. ()
- 06. Decomposition.** The decay of dead animals under natural conditions. ()
- 07. Digestion.** A process by which organic matter is hydrolyzed. ()
- 08. Harvested.** Domesticated livestock killed by a person if any portion of the carcass is salvaged. ()
- 09. Incineration.** The controlled and monitored combustion of dead animals for the purposes of volume reduction and pathogen control. ()
- 10. Pets.** Cats, dogs, and other non-human species of animals that are kept as household companions. ()
- 11. Rendering.** The process or business of recycling dead animals and animal by-products. ()
- 12. Sanitary Landfill.** A solid waste disposal site permitted or approved by the Idaho Department of Environmental Quality. ()
- 011. EXCLUSIONS.**
The following establishments and animals are excluded from the provisions of these rules. ()
- 01. Slaughter Establishments.** Establishments that slaughter livestock for human consumption. ()
- 02. Free-Ranging Wildlife.** Non-captive wildlife or wild fish. ()
- 03. House Pets.** House pets less than one hundred (100) pounds in weight. ()
- 04. Pets Buried in a Licensed Pet Cemetery.** Pets of any weight buried in a licensed pet cemetery. ()
- 012. -- 019. (RESERVED)**
- 020. ABANDONMENT OF DEAD ANIMALS.**
No person who owns or is caring for an animal that has died may abandon the dead animal. Animals that are being disposed of by decomposition in accordance with these rules are not considered abandoned. ()
- 021. -- 029. (RESERVED)**
- 030. DISPOSAL OF DEAD ANIMALS.**
Dead animals shall be disposed of within seventy-two (72) hours, by one (1) of the following methods, after knowledge of the death of the animal or as provided by the Administrator. No person shall dispose of a dead animal on the land of another without the permission of the property owner. ()
- 01. Dead Animals on Federally Managed Land.** Animals that die on federally managed rangeland from causes other than significant infectious or contagious diseases or agents shall be disposed of as provided by the regulations of the responsible land management agency. ()
- 02. Disposal Methods Determined by the Administrator.** The Administrator may determine the appropriate method of disposal for animals that die of significant infectious or contagious diseases or agents. ()
- a.** The owner of any dead animal known to be infected with a prion disease must notify the

Administrator prior to disposing of the carcass. ()

03. Rendering. If a licensed and approved rendering facility accepts the dead animal, rendering is an approved method of disposal. ()

a. When carcasses are held for pickup, the site shall be screened from public view, in a dry area and not in a water runoff or drainage area. ()

b. Run-off from the holding area must be contained. ()

04. Burial. Dead animals shall be buried to such a depth that no part of the dead animal may be nearer than three (3) feet to the natural surface of the ground. Every part of the dead animal shall be covered with at least three (3) feet of earth. The location of a burial site shall be: ()

a. At least three hundred (300) feet from any wells, surface water intake structures, and public or private drinking water supply lakes or springs. ()

b. At least three hundred (300) feet from any existing residences. ()

c. At least fifty (50) feet from property lines. ()

d. At least one hundred (100) feet from public roadways. ()

e. At least two hundred (200) feet from any body of surface water such as a river, stream, lake, pond, intermittent stream, or sinkhole. Elevated or up-gradient surface waters are not subject to this setback. ()

f. Burial sites shall not be located in low-lying areas subject to flooding, or in areas with a high water table where the seasonal high water level may contact the burial pit. ()

05. Disposal in an Approved Sanitary Landfill. Arrangements shall be made with a city, county, regional, or private landfill official in order to dispose of a dead animal in a city, county, regional, or private landfill. ()

06. Composting. ()

a. Composting of dead animals may be allowed in a manner approved by the Administrator. ()

b. No composters that have been approved by other agencies shall begin composting dead animals without the approval of the Administrator. ()

07. Digestion. Digestion of dead animals may be accomplished in a properly designed and sized dead animal digester approved by the Administrator. ()

08. Incineration. ()

a. Incineration of dead animals shall be accomplished in an approved incineration facility, or by a mobile air curtain incinerator at a site approved by the Administrator. ()

b. The incineration shall be thorough and complete, reducing the carcass to mineral residue. ()

09. Burning. Open burning of dead animals is not allowed, except as authorized by the Administrator, in coordination with the Department of Environmental Quality. ()

10. Decomposition. Animals that die on private or state rangeland, except domesticated livestock that are harvested, from causes other than significant infectious or contagious diseases or agents may be left to decompose naturally provided that they are at least one thousand three hundred twenty (1,320) feet from any surface water (public or private), wells, springs, public roadways and residences. ()

031. -- 039. (RESERVED)

040. MOVEMENT OF DEAD ANIMALS.

No dead animals may be loaded into the same vehicle with live animals. ()

01. Vehicles Used for Transporting Dead Animals. Vehicles used for transporting dead animals shall be constructed and maintained, or be prepared prior to receiving dead animals into the vehicle, so that no liquid or fluid from the dead animals is allowed to drip or seep from the vehicle during transport. ()

02. Dead Animals Concealed from View. Dead animals shall be concealed from public view during transportation. ()

03. Direct to Destination. Vehicles hauling dead animals shall travel to their destination directly. ()

04. Disinfection. Vehicles that have hauled dead animals off an owner's property shall not be used to haul live animals, feeds or similar commodities to the property of another person until they have been thoroughly cleaned and disinfected. ()

05. Transport of Dead Animals. No person may transport a dead animal across or through the property of another person without the landowner's permission. ()

041. -- 049. (RESERVED)

050. DEAD ANIMAL EMERGENCIES.

Dead animal emergencies are those situations involving dead animals that have been determined by the Administrator to require extraordinary disposal measures. ()

01. Situations Requiring Extraordinary Disposal Measures. These situations include, but are not limited to, the following: ()

a. Situations where one (1) or more animals die of an infectious or contagious disease or agent that may pose a significant threat to humans or animals; ()

b. Situations wherein the number of dead animals is large enough to require extraordinary disposal measures. ()

02. Administrator to Determine Disposal Methods. The Administrator may employ exceptional or extraordinary methods of dead animal disposal as necessary to protect the health and welfare of the human and animal populations of the state of Idaho. Such methods may include, but not be limited to: ()

a. Open burning; ()

b. Pit burning; ()

c. Burning with accelerants; ()

d. Pyre burning; ()

e. Air curtain incineration; ()

f. Mass burial; or ()

g. Natural decomposition. ()

051. -- 999. (RESERVED)

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.04.29 – RULES GOVERNING TRICHOMONIASIS
DOCKET NO. 02-0429-2201 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 25-203 Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 20, 2022.

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

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule is being presented for authorization as part of the ISDA’s plan to review each rule every 5 years. Redundant language that is verbatim in statute has been removed, consistent with the Governor’s [Zero-Based Regulation Executive Order](#).

The rule was reviewed over the course of two negotiated rulemaking meetings, and that review benefited from the participation of program stakeholders, including regulated industry and other stakeholders.

The rule fulfills the statutory authorization and direction to prevent the spread of disease. As proposed, the rule fulfills the need for a regulatory framework to prevent the spread of trichomoniasis, while also meeting the expectations of the Executive Order.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There is no fee associated with this rule.

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

There is no fiscal impact associated with this rulemaking.

IDAHO CODE SECTION 22-101A STATEMENT: Pursuant to 22-101A(1), for any rule promulgated or adopted by the director which is broader in scope or more stringent than federal law or regulations, or which regulates an activity not regulated by the federal government, the director shall identify the portions of the adopted rule that are broader in scope or more stringent than federal law or rules, or which regulate an activity not regulated by the federal government. The sections of the rule which are broader in scope, more stringent than federal law or regulations, or regulate an activity not regulated by the federal government:

The entire rule regulates an activity not regulated by the federal government. The detailed 22-101A analysis can be found on the agency’s website at www.agri.idaho.gov.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the January 5, 2022 Idaho Administrative Bulletin, [Vol. 22-1, page 11](#) under Docket No. 02-ZBRR-2201.

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

This rule incorporates the official 2022 Edition of Idaho’s “Protocol for Trichomonas fetus Diagnosis in Cattle”, which can be viewed online at <https://agri.idaho.gov/main/laboratories/animal-health-laboratories/>.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Dr. Scott Leibsle, Administrator, Division of Animal Industries, at (208) 332-8500 or scott.leibsle@isda.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 27, 2022.

DATED this July 6, 2022.

Lloyd B. Knight
Rules Review Officer
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, Idaho 83707
Phone: (208) 332-8664
Fax: (208) 334-2170
Email: rulesinfo@isda.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0429-2201
(Zero Based Regulation (ZBR) Chapter Rewrite)

02.04.29 – RULES GOVERNING TRICHOMONIASIS

000. LEGAL AUTHORITY.

Section 25-203, Idaho Code. ()

001. SCOPE.

These rules govern procedures for the prevention, control and eradication of Trichomoniasis, a venereal disease of cattle caused by the organism *Tritrichomonas foetus*. ()

002. -- 003. (RESERVED)

004. INCORPORATION BY REFERENCE.

IDAPA 02.04.29 incorporates by reference the official 2022 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/>. ()

005. -- 009. (RESERVED)

010. DEFINITIONS.

The following definitions apply: ()

01. Cattle. All bovidae, except bison. ()

02. Exposed Cattle. Any cattle that have been in contact with cattle infected with or affected by Trichomoniasis. ()

- 03. 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. ()
- 04. Infected Cattle.** Any cattle determined by an official test or diagnostic procedure to be infected with Trichomoniasis or diagnosed by a veterinarian as infected. ()
- 05. 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. ()
- 06. Negative.** Cattle that have been found to be free from infection with Trichomoniasis using an official test. ()
- 07. PCR.** Polymerase Chain Reaction. ()
- 08. Positive.** Cattle that have been found to be infected with Trichomoniasis using an official test. ()
- 09. 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. ()
- 10. Trichomoniasis.** A venereal disease caused by the organism *Tritrichomonas foetus*. ()

011. – 099. (RESERVED)

100. TRICHOMONIASIS CONTROL AND ERADICATION PROGRAM.

The Trichomoniasis testing season begins on September 1 of each year and continues 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: ()

- 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 prior to turnout, which ever occurs first. ()
- 02. Virgin Bulls.** All bulls native to Idaho that are less than twenty-four (24) months of age and have never serviced a cow are exempt from the Trichomoniasis testing requirements. ()
- a.** Such bulls shall be identified by an accredited veterinarian with an official Trichomoniasis bangle tag for the current testing season and the identification recorded on an electronic Trichomoniasis Test and Report Form. ()
- b.** If sold, such bulls shall be accompanied by a certificate signed by the owner or his representative attesting that they are virgin bulls. ()
- 03. Dairy Bulls.** All dairy bulls in dry lot operations are exempt from the Trichomoniasis testing requirements. Dairy bulls that are pastured or grazed must meet the Trichomoniasis testing requirements. ()
- 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 are exempt from testing requirements. ()
- 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, outlining the reasons for the extension and requested length of extension, to the Division of Animal Industries. ()
- a.** The herd of bulls shall be put under Hold Order until the owner furnishes documentation that the

bulls have been tested. ()

101. – 109. (RESERVED)

110. TRICHOMONIASIS TESTING IDENTIFICATION.

All bulls tested and tagged for Trichomoniasis shall be identified by an official Trichomoniasis bangle tag of for the current testing season and the identification recorded on a Trichomoniasis Test and Report Form approved by the Administrator. Beginning with the September 2021 testing season, annual tag colors will be rotated in the following order: White, Orange, Blue, Yellow, and Green. ()

111. -- 199. (RESERVED)

200. BULLS FOR SALE.

Bulls presented for sale at 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 ()

01. Returned to Home Premises. Such bulls shall be returned to home premises for official testing; or ()

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 ()

03. Placed Under a Hold Order. Such bulls will be placed under Hold Order by the livestock market veterinarian or a private veterinarian and have three (3) consecutive negative Trichomoniasis PCR or 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 ()

04. Virgin Bulls. Virgin bulls native to Idaho that are less than twenty-four (24) months of age and have never serviced a cow shall be identified with an official Trichomoniasis bangle tag for the current testing season. ()

05. Period of Validity. For resident breeding bulls sold in Idaho, the negative test is 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. ()

06. Contact with Female Cattle. Bulls that have had contact with female cattle subsequent to testing must be retested prior to sale. ()

201. -- 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 prior to the turnout date, or before April 15 of each testing season, which ever occurs first. ()

01. Grazing Associations. All bulls that are in a public grazing association or run in common on an allotment will be considered part of one (1) herd. ()

02. Positive Tests. If any bull owned by any of the producers in a grazing association or allotment tests positive on an official test, all other producers in the association or allotment are considered part of an infected bull herd and handled in accordance with Section 310 of this rule. ()

301. -- 309. (RESERVED)

310. INFECTED BULLS AND HERDS.

Any bull or cow that is positive to an official Trichomoniasis test is considered infected. A herd in which one (1) or

more bulls or cows are found infected with Trichomoniasis is considered infected. ()

01. Confirmatory Testing of Culture Positive Bulls. Any culture positive bull must be confirmed by PCR test at an approved laboratory unless the animal is destined directly to slaughter. The result of the PCR will be the final determinant of the test status. ()

02. Quarantine of Infected Herds. Any veterinarian that discovers an infected herd shall notify the Division of Animal Industries within forty-eight (48) hours that the test was positive. A quarantine will be issued and 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. ()

03. Exposed Herds. Herds identified as exposed through an epidemiological investigation will be placed under a Hold Order. ()

a. Bulls in exposed herds will be tested as determined by the Administrator. ()

b. All bulls tested in exposed herds shall be individually identified pursuant to Section 110. ()

04. Testing of Infected Herds. Bulls in infected herds shall be tested negative for Trichomoniasis three (3) consecutive times, using PCR, before the quarantine can be released. Samples for each test must be collected at least seven (7) days apart and tested for Trichomoniasis to be eligible to receive a certificate of negative test. ()

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 and recorded pursuant to Section 110. ()

b. Bulls that have three (3) consecutive negative PCR tests conducted at least seven (7) days apart shall be considered negative for Trichomoniasis and can be so certified. ()

05. Identifying Infected Bulls. The administrator may require all bulls testing positive for trichomoniasis, to be identified with a hot iron T brand applied to the left of the tail-head indicating that the bull is positive for trichomoniasis. ()

311. -- 319. (RESERVED)

320. MOVEMENT OF INFECTED CATTLE.

All infected cattle shall be consigned to slaughter at an approved slaughter establishment or consigned to an approved livestock market for sale to an approved slaughter establishment and remain under quarantine until moved to slaughter. All infected cattle being moved from the premise of origin to an approved livestock market for sale to slaughter, or directly to an approved slaughter establishment for slaughter, shall move on a valid VS 1-27 form. ()

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 are to 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. ()

02. Exceptions. Upon request 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. ()

321. TREATMENT OF INFECTED BULLS.

There are no treatments for Trichomoniasis approved for use in Idaho. ()

322. -- 329. (RESERVED)

330. OFFICIAL LABORATORIES.

Only laboratories approved by the Division of Animal Industries as official laboratories may test official Trichomoniasis samples. ()

01. Protocols. Official laboratories will operate in accordance with the official Idaho “Protocol for *Trichomonas foetus* Diagnosis in Cattle.” ()

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. ()

331. OFFICIAL TRICHOMONIASIS TESTS.

01. Culture Tests. An official test is one in which the sample is received in the official laboratory, in good condition, and 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. ()

02. Polymerase Chain Reaction. PCR test completed by a qualified laboratory, approved by the Administrator. ()

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. ()

04. Use of Official Laboratories. Accredited veterinarians are to utilize only official laboratories for testing of Trichomoniasis samples. ()

332. SAMPLE SUBMISSION AND REPORTING OF TEST RESULTS AND OFFICIAL IDENTIFICATION.

Accredited veterinarians must submit samples, test results, and official identification of all Trichomoniasis tests on a form approved by the Administrator within five (5) business days of: ()

01. Collecting the Sample. If submitting to an official lab for PCR testing; or ()

02. Finalizing Culture Results. or ()

03. Identifying Virgin Bulls. Identifying virgin bulls with official Trichomoniasis bangle tags. ()

333. -- 399. (RESERVED)

400. RODEO BULLS.

Bulls currently in a rodeo string, bulls purchased under the feedlot exemption at an 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: ()

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 ()

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 ()

03. Permanently Identified. All bulls in the rodeo string are officially identified; and ()

04. Records Maintained. Official identification records 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 ()

05. Bulls Purchased. Bulls purchased for addition to the rodeo string shall meet all other health requirements. Purchased bulls shall be immediately officially 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 official identification in the official record; and ()

06. Bulls Removed for Slaughter. Removal of bulls to slaughter is documented in the permanent record; and ()

07. Bulls Removed for Breeding Purposes. Bulls that are removed from the rodeo string for breeding purposes shall undergo three (3) consecutive negative official tests for Trichomoniasis. The samples for each test are to be collected at least seven (7) days apart and tested for Trichomoniasis to be eligible to receive a certificate of negative test. ()

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. ()

01. Removal of Untested Bulls. Untested bulls shall be sold directly to slaughter at an approved slaughter establishment. ()

02. Removal of Bulls for Breeding Purposes. Bulls that are removed for breeding purposes shall undergo three (3) consecutive negative official tests for Trichomoniasis. The samples for each test are to be collected at least seven (7) days apart and tested for Trichomoniasis to be eligible to receive a certificate of negative test. ()

411. -- 999. (RESERVED)