

Dear Senators CORDER, Winder & Malepeai, and  
Representatives TRAIL, Andrus & Pence:

The Legislative Services Office, Research and Legislation, has received the enclosed  
rules of the Idaho State Dept. Of Agriculture:

IDAPA 02.04.19 – Rules Governing Domestic Cervidae – Docket No. 02-0419-1001

IDAPA 02.04.21 – Rules Governing the Importation of Animals – Docket No. 02-0421-1002

IDAPA 02.06.16 – Crop Residue Disposal Rules – Docket No. 02-0616-1001

IDAPA 02.01.04 – Rules Governing the Idaho Preferred® Promotion Program –  
Docket No. 02-0104-1001.

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by  
the co-chairmen 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 10-26-10. 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 11-24-10.

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 334-4845, or send a written request to the  
address or FAX number indicated on the memorandum attached.



# Legislative Services Office Idaho State Legislature

*Serving Idaho's Citizen Legislature*

Jeff Youtz  
Director

## MEMORANDUM

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

FROM: Principal Legislative Research Analyst - Katharine Gerrity **KRG**

DATE: October 6, 2010

SUBJECT: Idaho State Department of Agriculture

**IDAPA 02.04.19 – Rules Governing Domestic Cervidae – Docket No. 02-0419-1001**

**IDAPA 02.04.21 – Rules Governing the Importation of Animals – Docket No. 02-0421-1002**

**IDAPA 02.06.16 – Crop Residue Disposal Rules – Docket No. 02-0616-1001**

**IDAPA 02.01.04 – Rules Governing the Idaho Preferred® Promotion Program – Docket No. 02-0104-1001**

### 1. IDAPA 02.04.19 – Rules Governing Domestic Cervidae

The Idaho State Department of Agriculture submits notice of a proposed rule at IDAPA 02.04.19 – Rules Governing Domestic Cervidae. According to the Department, the purpose of the rule is to clarify the collection of the annual per head fee on domestic cervidae and to propose ranch management plans as a method of administering the domestic cervidae program more efficiently and provide cost savings to the domestic cervidae producer. Negotiated rulemaking was conducted. According to the Department, consensus on the rulemaking was not reached. We contacted the Department regarding the lack of consensus during negotiated rulemaking. Apparently, there wasn't necessarily a specific point of disagreement. According to the Department, cervidae owners throughout the state were contacted and roughly twenty percent responded. Some owners expressed no interest in modifying the rules while others are in support of the proposed modifications.

The action appears to be authorized pursuant to Section 25-3704, Idaho Code.

Mike Nugent, Manager  
Research & Legislation

Cathy Holland-Smith, Manager  
Budget & Policy Analysis

Don H. Berg, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

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## **2. IDAPA 02.04.21 – Rules Governing the Importation of Animals**

The Idaho State Department of Agriculture submits notice of a proposed rule at IDAPA 02.04.21 – Rules Governing the Importation of Animals. According to the Department, USDA-APHIS has issued a federal order suspending enforcement of 9 CFR Section 77.10 in modified accredited advanced states or zones relative to tuberculosis in cattle. The Department states that as a result, there will be no federal testing requirement for movement of cattle or bison from such states or zones. The Department adds that the USDA intends to promulgate new rules for tuberculosis testing in those states or zones but that process is anticipated to take at least two years. The Department states that the current rules have tuberculosis testing requirements for cattle leaving such states or zones that mirror the federal requirements, requiring that cattle over 15 months of age be tested prior to import into Idaho from such states or zones. According to the Department, Idaho is one of only two states that require tuberculosis testing of this class of cattle for import purposes.

The Department has also added language providing for a tuberculosis testing requirement waiver, 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 12 months and the herd of origin is not under hold order, quarantine, or epidemiological investigation for tuberculosis.

In addition, the Department states that proposed changes to IDAPA 02.04.29 - Rules Governing Trichomoniasis (we have not yet received this proposed rule from the Rules Coordinator), require changes to this chapter to maintain consistency among the rules. Proposed changes include lowering the age of virgin bulls for import into Idaho from 24 months of age or less to less than 12 months of age. The Department states that the exemption for testing of rodeo bulls is clarified and a testing exemption has been included for bulls imported for exhibition purposes. The Department notes that the age of rodeo stock required to be tested for tuberculosis prior to import is also clarified. The Department states that although negotiated rulemaking was not conducted, the Department did meet with members of the Idaho Cattle Association at their mid-year meeting in June, 2010, and with members of the Trichomoniasis Task Force at their annual meeting in June, 2010. According to the Department, both organizations support the rulemaking.

The action appears to be authorized pursuant to Section 25-207, Idaho Code.

## **3. IDAPA 02.06.16 – Crop Residue Disposal Rules**

The Idaho State Department of Agriculture submits notice of a proposed rule at IDAPA 02.06.16 – Crop Residue Disposal Rules. According to the Department, it is proposing to repeal the rule because the 2008 Legislature moved the crop residue burning program from the Department to DEQ, and DEQ has developed new rules for crop residue burning. The Department states that the current rule is now obsolete.

The Department indicates that the rule is authorized pursuant to Section 22-4801, Idaho Code. Members should note that that chapter was also repealed effective March 7, 2008. However, the Department likely has authority for the repeal pursuant to the general authority provisions of Chapter 1, Title 22, Idaho Code.

**4. IDAPA 02.01.04 – Rules Governing the Idaho Preferred® Promotion Program**

The Idaho State Department of Agriculture submits notice of a proposed rule at IDAPA 02.01.04 – Rules Governing the Idaho Preferred® Promotion Program. According to the Department, the non-food product qualifications will be changed to be more consistent with the processed food product qualifications which were revised in 2008. The Department states that currently, for processed food products, the requirement is that the ingredients be 20% agricultural content by weight grown or raised in Idaho and that the products must be processed in Idaho. The Department notes that for the non-food category, such as soaps and compost, the rules require 50% agricultural content from product grown or raised in Idaho. The Department states that, in addition, the qualifications for processed pork products will be changed to allow for ground pork or sausage to be produced from hogs over one year of age.

Negotiated rulemaking was conducted. The Department states that consensus was only reached on a portion of the proposed changes to the pork and pork products qualifications and, consequently, the only rule changes moving forward are changes to the non-food product qualifications and to the age of the animal for ground pork or sausage.

The rule appears to be authorized pursuant to Section 22-112, Idaho Code.

cc: Idaho State Department of Agriculture  
Brian J. Oakey  
Dr. Bill Barton  
Lloyd B. Knight  
Leah Clark

## **IDAPA 02 - DEPARTMENT OF AGRICULTURE**

### **02.04.19 - RULES GOVERNING DOMESTIC CERVIDAE**

**DOCKET NO. 02-0419-1001**

#### **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 25-3704, 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 October 20, 2010.

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:

The purpose of this proposed rulemaking is to clarify the collection of the annual per head fee on domestic cervidae and to propose ranch management plans as a method of administering the domestic cervidae program more efficiently and provide cost savings to the domestic cervidae producer.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**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: N/A

**NEGOTIATED RULEMAKING:** A Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the [May 6, 2009 Idaho Administrative Bulletin, Volume 09-5, page 20](#). Rulemaking meetings were held with members of the Idaho Elk Breeders Association and the Idaho Sportsmen's Caucus Advisory Council. In addition, all Idaho cervidae producers were given the opportunity to provide written and verbal comments by mail, e-mail and phone. Consensus on the proposed rule changes was not reached.

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Dr. Bill Barton, Administrator at (208) 332-8540.

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 October 27, 2010.

DATED this 26th day of August, 2010.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
P.O. Box 790  
Boise, Idaho 83701-0790  
Phone: (208) 332-8500  
Fax: (208) 334-2170

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0419-1001**

**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.~~ (4-2-03)(\_\_\_\_)

**01. Bovine Tuberculosis Eradication, Uniform Methods and Rules, Effective January 22, 1999.** This document can be viewed at [http://www.aphis.usda.gov/animal\\_health/animal\\_diseases/tuberculosis/downloads/bovtbumr.pdf](http://www.aphis.usda.gov/animal_health/animal_diseases/tuberculosis/downloads/bovtbumr.pdf). (4-2-03)

**02. Code of Federal Regulations, Title 9, Part 161, January 1, 2004.** This document can be viewed at [http://www.access.gpo.gov/nara/cfr/waisidx\\_04/9cfrv1\\_04.html](http://www.access.gpo.gov/nara/cfr/waisidx_04/9cfrv1_04.html). (4-6-05)

**03. Code of Federal Regulations, Title 9, Part 55, January 1, 2004.** This document can be viewed at [http://www.access.gpo.gov/nara/cfr/waisidx\\_04/9cfrv1\\_04.html](http://www.access.gpo.gov/nara/cfr/waisidx_04/9cfrv1_04.html). (4-6-05)

**04. Code of Federal Regulations, Title 9, Subchapter A, Part 1 and 2, January 1, 2004.** This document can be viewed at [http://www.access.gpo.gov/nara/cfr/waisidx\\_04/9cfrv1\\_04.html](http://www.access.gpo.gov/nara/cfr/waisidx_04/9cfrv1_04.html). (4-6-05)

**(BREAK IN CONTINUITY OF SECTIONS)**

**006. IDAHO PUBLIC RECORDS ACT.**

These rules are public records and are available for inspection and copying at the ISDA central office ~~and the State Law Library.~~ (4-2-03)(\_\_\_\_)

**007. -- 009. (RESERVED).**

**010. DEFINITIONS.**

**01. Accredited Veterinarian.** A veterinarian approved by the Administrator and USDA/APHIS/VS, in accordance with Title 9, Part 161, CFR, January 1, 2004, to perform functions required by cooperative state-federal animal disease control and eradication programs. (4-6-05)

**02. Administrator.** Administrator of the Division of Animal Industries or his designee. (4-2-03)

**03. Approved Laboratory.** NVSL, an AAVLD accredited laboratory that is qualified to perform CWD diagnostic procedures, or a laboratory designated by the Administrator to perform CWD diagnostic procedures. (4-2-03)

**04. Approved Slaughter Establishment.** A USDA inspected slaughter establishment at which ante-mortem and post-mortem inspection is conducted by USDA inspectors. (4-2-03)

**05. Area Veterinarian in Charge.** The USDA/APHIS/VS veterinary official who is assigned to supervise and perform official animal health activities in Idaho. (4-2-03)

**06. Breed Associations and Registries.** Organizations maintaining permanent records of ancestry or pedigrees of animals, individual animal identification records and records of ownership. (4-2-03)

**07. Certificate.** An official document issued by a state or federal animal health official or an accredited veterinarian at the point of origin of a shipment of cervidae, which contains information documenting the age, sex, species, individual identification of the animals, the number of animals, the purpose of the movement, the points of origin and destination, the consignor, the consignee, the status of the animals relative to official diseases, test results



and any other information required by the state animal health official for importation or translocation. (4-2-03)

**08. Cervid Herd.** One (1) or more domestic cervidae or groups of domestic cervidae maintained on common ground or under common ownership or supervision that may be geographically separated but can have interchange or movement. (4-2-03)

**09. Cervidae.** Deer, elk, moose, caribou, reindeer, and related species and hybrids including all members of the cervidae family and hybrids. (4-2-03)

**10. Chronic Wasting Disease.** A transmissible spongiform encephalopathy of cervids, which is a nonfebrile, transmissible, insidious, and degenerative disease affecting the central nervous system of cervidae. (4-2-03)

**11. Commingling.** Within the last five (5) years, the animals have had direct contact with each other, had less than thirty (30) feet of physical separation, or shared management equipment, pasture, or surface water sources, except for periods of less than forty-eight (48) hours at sales or auctions when a state or federal animal health official has determined such contact presents minimal risk of CWD transmission. (4-2-03)

**12. Custom Exempt Slaughter Establishment.** A slaughter establishment that is subject to facility inspection by USDA, but which does not have ante-mortem and post-mortem inspection of animals by USDA inspectors. (4-2-03)

**13. CWD-Adjacent Herd.** A herd of domestic cervidae occupying premises that border a premises occupied by a CWD positive herd, including herds separated by roads or streams. (4-6-05)

**14. CWD-Exposed Animal.** A cervid animal that is not exhibiting any signs of CWD, but has had contact within the last five (5) years with cervids from a CWD-positive herd or the animal is a member of a CWD-exposed herd. (4-2-03)

**15. CWD-Exposed Herd.** A herd of cervidae in which no animals are exhibiting signs of CWD, but: (4-2-03)

**a.** An epidemiological investigation indicates that contact with CWD positive animals or contact with animals from a CWD positive herd has occurred in the previous five (5) years; or (4-2-03)

**b.** A herd of cervidae occupying premises that were previously occupied by a CWD positive herd within the past five (5) years as determined by the designated epidemiologist; or (4-2-03)

**c.** Two (2) herds that are maintained on a single premises even if they are managed separately, have no commingling, and have separate herd records. (4-6-05)

**16. CWD-Positive Cervid.** A domestic cervid on which a diagnosis of CWD has been confirmed through positive test results on any official cervid CWD test by an approved laboratory. (4-2-03)

**17. CWD-Positive Herd.** A domestic cervidae herd in which any animal(s) has been diagnosed with CWD, based on positive laboratory results, from an approved laboratory. (4-2-03)

**18. CWD-Suspect Cervid.** A domestic cervid for which laboratory evidence or clinical signs suggests a diagnosis of CWD. (4-2-03)

**19. CWD-Suspect Herd.** A domestic cervidae herd in which any animal(s) has been determined to be a CWD-suspect. (4-2-03)

**20. Department.** The Idaho State Department of Agriculture. (4-2-03)

**21. Death Certificate.** A form, approved by the administrator, provided by the Division for the reporting of cervidae deaths and for reporting sample submission for CWD testing. (4-6-05)

22. **Designated Epidemiologist.** A state or federal veterinarian who has demonstrated the knowledge and ability to perform the functions required under these rules and who has been selected by the Administrator to fulfill the epidemiology duties relative to the state domestic cervidae disease control program. (4-2-03)
23. **Director.** The Director of the Idaho State Department of Agriculture, or his designee. (4-2-03)
24. **Disposal.** Final disposition of dead cervidae. (4-2-03)
25. **Division.** Idaho State Department of Agriculture, Division of Animal Industries. (4-2-03)
26. **Domestic Cervidae.** Fallow deer (*Dama dama*), elk (*Cervus elaphus*) or reindeer (*Rangifer tarandus*) owned by a person. (4-2-03)
27. **Domestic Cervidae Ranch.** A premises where domestic cervidae are held or kept, including multiple premises under common ownership. (4-6-05)
28. **Electronic Identification.** A form of unique, permanent individual animal identification such as radio frequency identification tag, radio frequency identification implant, or other forms approved by the Administrator. (4-6-05)
29. **Escape.** Any domestic cervidae located outside the perimeter fence of a domestic cervidae ranch and not under the immediate control of the owner or operator of the domestic cervidae ranch. (4-2-03)
30. **Federal Animal Health Official.** An employee of USDA/APHIS/VS who is authorized to perform animal health activities. (4-6-05)
31. **Herd of Origin.** A cervid herd, on any domestic cervidae ranch or other premise, where the animals were born, or where they were kept for at least one (1) year prior to date of shipment. (4-2-03)
32. **Herd Status.** Classification of a cervidae herd with regard to CWD. (4-2-03)
33. **Intrastate Movement Certificate.** A form approved by the Administrator, and available from the Division, to document the movement of domestic cervidae between premises within Idaho. (4-2-03)
34. **Individual CWD Herd Plan.** A written herd management agreement and testing plan developed by the herd owner and approved by the Administrator to identify and eradicate CWD from a positive, source, suspect, exposed, or adjacent herd. (~~4-2-03~~)(\_\_\_\_)
35. **Limited Contact.** Incidental contact between animals of different herds in separate pens off of the herd's premises at fairs, shows, exhibitions and sales. (4-2-03)
36. **Official CWD Test.** A test approved by the Administrator and conducted at an approved laboratory to diagnose CWD. (4-2-03)
37. **Official Identification.** Identification, approved by the Administrator, that individually, uniquely, and permanently identifies each cervid. (4-2-03)
38. **Operator.** A person who has authority to manage or direct a domestic cervidae ranch. (4-2-03)
39. **Owner.** The person that has legal title to, or has financial control of, any domestic cervidae or domestic cervidae ranch (4-2-03)
40. **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. (4-2-03)



**41. Premises.** The ground, area, buildings, and equipment utilized to raise, propagate, control, or harvest domestic cervidae. (4-2-03)

**42. Quarantine.** An order issued on authority of the Administrator, by a state or federal animal health official or accredited veterinarian, prohibiting movement of cervids from any location without a written restricted movement permit. (4-2-03)

**43. Quarantine Facility.** A confined area where selected domestic cervidae can be secured and isolated from all other cervidae and livestock. (4-2-03)

**44. Ranch Management Plan.** A written plan for a domestic cervidae ranch that sets forth best management practices that mitigates the introduction or dissemination of disease among domestic cervidae. ( )

**445. Reidentification.** The identification of a domestic cervid which had been officially identified, as provided by this chapter, but which has lost the official identification device, or the tattoo or official identification device has become illegible. (4-2-03)

**456. Restrain.** The immobilization of domestic cervidae in a chute, other device, or by other means for the purpose of efficiently, effectively, and safely inspecting, treating, vaccinating, or testing. (4-2-03)

**467. Restricted Movement Permit.** An official document that is issued by the Administrator, AVIC, or an accredited veterinarian for movement of animals from positive, suspect, or exposed herds. (4-2-03)

**478. Source Herd.** A herd from which at least one (1) cervid has originated within the previous five (5) years and that cervid has been diagnosed CWD positive. (4-2-03)

**489. State Animal Health Official.** The Administrator, or his designee. (4-2-03)

**4950. Status Date.** The date on which the Administrator approves in writing a herd status change with regard to CWD. (4-2-03)

**501. Trace Back Herd.** An exposed herd in which at least one (1) CWD positive animal resided within any of the previous sixty (60) months prior to diagnosis with CWD. (4-2-03)

**512. Trace Forward Herd.** A herd that has received exposed animals from a positive herd within sixty (60) months prior to the diagnosis of CWD in the positive herd or from the identified point of entry of CWD into the positive herd. (4-2-03)

**523. Traceback.** The process of identifying the movements and the herd of origin of CWD positive, or exposed animals, including herds that were sold for slaughter. (4-2-03)

**534. Wild Cervidae.** Any cervid animal not owned by a person. (4-2-03)

**545. Wild Ungulate.** Any four (4) legged, hoofed herbivore, including cervids and other ruminants, not owned by a person. (4-6-05)

**556. Wild Ungulate Cooperative Herd Plan.** A plan, developed cooperatively by the owner of the domestic cervidae ranch, the ISDA, and the Idaho Department of Fish and Game to determine the disposition of any wild ungulates that are found to be located on a domestic cervidae ranch. (4-6-05)

**(BREAK IN CONTINUITY OF SECTIONS)**

**021. OFFICIAL IDENTIFICATION.**

All domestic cervidae shall be individually, permanently, and uniquely identified, with two (2) types of official identification approved by the Administrator. (4-2-03)

**01. Reporting of Identification.** The unique individual identification number, type of identification, and the name, address, and telephone number of the owner of each animal identified shall be reported to the Administrator, in writing, by the owner or operator. (4-2-03)

**02. Identification Assigned.** Official identification, once assigned to an individual animal, shall not be changed or transferred to another animal. Animals that lose identification devices shall be re-identified in accordance with Section 0231. (~~4-2-03~~)( )

**03. Progeny.** All progeny of domestic cervidae shall be officially identified by December thirty-first of the year of birth, upon sale or transfer of ownership, or upon leaving the domestic cervidae ranch, whichever is earlier. (4-2-03)

**04. Visible Identification.** At least one (1) of the official types of identification used shall be visible from one hundred and fifty (150) feet. (4-6-05)

**(BREAK IN CONTINUITY OF SECTIONS)**

**090. FEES.**

A fee, not to exceed five dollars (\$5) per head per year on elk or three dollars (\$3) per head per year on fallow deer and reindeer, is to be assessed on all domestic cervidae in the state to cover the cost of administering the program covered in these rules. The fee shall include all domestic cervidae present at the ranch as of December 31 and all domestic cervidae imported from outside of the state that die during the same calendar year. This fee is due January first of each year. (~~4-2-08~~)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**209. RANCH MANAGEMENT PLAN.**

**01. Voluntary Ranch Management Plan.** A domestic cervidae ranch may apply, on a form prescribed by the Administrator, to enter into a voluntary ranch management plan. The ranch management plan will be developed cooperatively by the owner or authorized agent and the Administrator. For the ranch management plan, the Administrator will conduct a risk assessment considering the factors in Subsection 209.03. A voluntary ranch management plan may, notwithstanding other rule requirements to the contrary, establish inventory verification requirements and CWD sampling requirements specific for a domestic cervidae ranch. Failure to adhere to an approved voluntary ranch management plan is a violation of these rules. ( )

**02. Mandatory Ranch Management Plan.** A domestic cervidae ranch shall be required to develop and implement an approved ranch management plan if the ranch is found in violation of Sections 060, 204 or 500 of these rules. The ranch management plan must be completed and implemented within six (6) months of the disposition of the violation. For the ranch management plan, the Administrator will conduct a risk assessment considering the factors in Subsection 209.03. Failure to comply with the mandatory ranch management plan is a violation of these rules. This requirement will become effective July 1, 2012. ( )

**03. Risk Assessment for Ranch Management Plans.** The Administrator will conduct a risk assessment for each ranch management plan. A ranch management plan will not include a double fencing requirement but may require that double gates be installed. The Administrator will consider the following factors when conducting a risk assessment at a domestic cervidae ranch: ( )

**a. Risk of egress.** The risk of egress may be evaluated based on, but not limited to, history of domestic cervidae escape during the previous five (5) years, recovery rate of escaped domestic cervidae, length of time domestic cervidae were outside of the perimeter fence, annual average precipitation, topography, altitude and tree

density. ( )

**b.** Risk of ingress. The risk of ingress may be evaluated on, but not limited to, history of ingress during the previous five (5) years, annual average precipitation, topography, altitude, tree density and proximity to wildlife migration corridors. ( )

**c.** Compliance with CWD sample submission. The Administrator may, based on a risk based assessment, waive up to twenty percent (20%) of the tissue sample submissions required under this rule. The waiver will be based on, but not limited to, the following: ( )

**i.** The domestic cervidae on the ranch have not had contact with any animals of unknown CWD status. ( )

**ii.** The domestic cervidae ranch must be in compliance with all requirements of Title 25, Chapter 35, Idaho Code, and these rules. ( )

**iii.** The domestic cervidae ranch must have no documented cases of ingress of wild cervids or egress of domestic cervidae within eighteen (18) months of the request for a waiver. ( )

~~209~~10. -- 249. (RESERVED).

**(BREAK IN CONTINUITY OF SECTIONS)**

**500. SURVEILLANCE FOR CWD.**

**01. Slaughter Surveillance.** Brain tissue from one hundred percent (100%) of all domestic cervidae sixteen (16) months of age or older that are slaughtered at approved slaughter establishments or custom exempt slaughter establishments shall be submitted by the owner of the slaughtered cervidae to official laboratories to be tested or examined for CWD as provided for in these rules. (4-2-08)

**02. Domestic Cervidae Ranch Surveillance.** Unless a domestic cervidae ranch is operating with a ranch management plan approved by the Administrator, brain tissue from one hundred percent (100%) of all domestic cervidae sixteen (16) months of age or older that die or are harvested on domestic cervidae ranches shall be submitted by the owner or operator of the domestic cervidae ranch to official laboratories to be tested or examined for CWD, as provided for in these rules, except Reindeer and fallow deer unless the Reindeer or fallow deer are part of a CWD positive, exposed, trace, source or suspect herd or part of an elk herd. In the event a domestic cervidae ranch cannot submit a viable brain sample, the domestic cervidae ranch shall submit, on a form approved by the Administrator, a waiver request within forty eight (48) hours of determining that a viable brain sample cannot be submitted. (~~4-2-08~~)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**505. DURATION OF CWD QUARANTINE.**

Quarantines imposed because of CWD in accordance with this chapter shall remain in effect until one (1) of the following criteria are met: (4-2-03)

**01. CWD Positive Herds.** The quarantine may be released after the herd is completely depopulated as provided in Subsection 505.07, or after five (5) years of compliance with an individual herd CWD plan and all provisions of these rules, during which there was no evidence of CWD. (~~4-2-03~~)( )

**02. CWD Suspect Herds.** The quarantine may be released after the herd is completely depopulated as provided in Subsection 505.07, or after a minimum of five (5) years of compliance with an individual CWD herd plan

and all provisions of these rules and during which there was no evidence of CWD, or an epidemiologic investigation determines that there is no evidence CWD exists in the herd as determined by the Administrator. (~~4-2-03~~)(\_\_\_\_)

**03. Source Herds and Herds of Origin.** The quarantine may be released after a minimum of five (5) years of compliance with an individual CWD herd plan and all provisions of these rules and during which there was no evidence of CWD, or an epidemiologic investigation determines that there is no evidence CWD exists in the herd and that the herd is not the source of infection as determined by the Administrator. (~~4-2-03~~)(\_\_\_\_)

**04. Exposed Herds.** The quarantine may be released after the herd is completely depopulated as provided in Subsection 505.07, or after a minimum of five (5) years of compliance with an individual CWD herd plan and all provisions of these rules and during which there was no evidence of CWD, or an epidemiologic investigation determines that there is no evidence CWD exists in the herd as determined by the Administrator. (~~4-2-03~~)(\_\_\_\_)

**05. Adjacent Herds.** The quarantine may be released when directed by the Administrator based upon an epidemiological investigation and in consultation with the designated epidemiologist. (4-6-05)

**06. Fencing Requirements.** Any owner of a domestic cervidae ranch who chooses to remain under quarantine for five (5) years shall construct a second perimeter fence that meets the requirements for perimeter fence, as provided in Section 102, such that no domestic cervidae on the domestic cervidae ranch can get within ten (10) feet of the original exterior perimeter fence or as approved by the Administrator. (4-2-03)

**07. Complete Depopulation.** The quarantine may be released after: (4-2-03)

**a.** Complete depopulation of all cervidae on the premises as directed by the Administrator; and (4-2-03)

**b.** The premises have been free of all livestock as specified in an individual CWD herd plan approved by the Administrator; and (~~4-2-03~~)(\_\_\_\_)

**c.** The soil and facilities have been cleaned, treated, decontaminated, or disinfected as directed by the Administrator. (4-2-03)

**08. Disposal of Positive or Exposed Cervidae.** All CWD positive or exposed domestic cervidae shall be disposed of as directed by the Administrator. (4-2-03)

**IDAPA 02 - DEPARTMENT OF AGRICULTURE**  
**02.04.21- RULES GOVERNING THE IMPORTATION OF ANIMALS**  
**DOCKET NO. 02-0421-1002**  
**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 25-207, 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 October 20, 2010.

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:

The USDA-APHIS has issued a Federal Order suspending enforcement of 9 CFR Section 77.10 in Modified Accredited Advanced (MAA) States or Zones relative to tuberculosis in cattle. As a result there will be no federal testing requirement for movement of cattle or bison from MAA states or zones. USDA-APHIS intends to promulgate new rules for tuberculosis testing of cattle originating in MAA states or zones. USDA-APHIS anticipates the rulemaking process will take at least two years to complete.

This chapter currently has tuberculosis testing requirements for cattle leaving MAA states or zones that mirror the federal requirements in 9 CFR Section 77.10. IDAPA 02.04.21, Section 240.03 of this rule requires that cattle over 15 months of age be tested for tuberculosis prior to import into Idaho from an MAA state or zone. Due to USDA-APHIS suspending enforcement of federal regulations, Idaho is one of only two states that require tuberculosis testing of this class of cattle for import purposes.

Additionally, proposed changes to IDAPA 02.04.29, " Rules Governing Trichomoniasis," require changes to this chapter to maintain consistency among the rules. Proposed changes related to trichomoniasis include lowering the age of virgin bulls for import into Idaho from twenty-four (24) months of age or less to less than twelve (12) months of age. The exemption for testing of rodeo bulls is clarified. A testing exemption has been included for bulls imported for exhibition purposes. The age of rodeo stock required to be tested for tuberculosis prior to import is clarified.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**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: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted. However, informal negotiated rulemaking was conducted. Proposed changes to the rule were discussed with members of the Idaho Cattle Association at their mid-year meeting in June, 2010, and with members of the Trichomoniasis Task Force at their annual meeting in June, 2010. Both organizations support the rulemaking.

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Dr. Bill Barton, Administrator at (208) 332-8540.

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 October 27, 2010.

DATED this 26th day of August, 2010.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
P.O. Box 790  
Boise, Idaho 83701-0790  
Phone: (208) 332-8500  
Fax: (208) 334-2170

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**THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 02-0421-1002**

**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)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**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 breeds that are less than fifteen (15) months of age, which are consigned for grazing, or steers, spayed heifers, and intact heifers of beef 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 (3-20-04)

**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 for immediate slaughter at an approved slaughter establishment, shall be tested for tuberculosis with negative results within sixty (60) days prior to entry into Idaho. (3-20-04)

**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. ( )

**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 for immediate slaughter at an approved slaughter establishment; or (5-3-03)

**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. (~~4-2-08~~)( )



(BREAK IN CONTINUITY OF SECTIONS)

**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 ~~Twenty-Four~~ Twelve Months of Age.** The virgin bull(s) are less than ~~twenty-four~~ twelve (~~24~~12) months of age and have not serviced a cow; or (5-3-03)(    )

**02. Tested Bulls.** The bull(s) have been tested by culture or PCR for trichomoniasis within thirty (30) days of shipment, were negative to the test, and have not been exposed to female cattle since the test sample was collected. (4-2-08)

**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. (5-3-03)(    )

**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. (    )

## **IDAPA 02 - DEPARTMENT OF AGRICULTURE**

### **02.06.16 - CROP RESIDUE DISPOSAL RULES**

#### **DOCKET NO. 02-0616-1001 (CHAPTER REPEAL)**

#### **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 22-4801, 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 October 20, 2010.

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: Repeal the rule in its entirety because the 2008 Legislature moved the Crop Residue Burning program from the Idaho State Department of Agriculture to the Division of Environmental Quality, who developed new rules for Crop Residue Burning, thereby leaving 02.06.16 obsolete.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**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: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the 2008 Legislature moved the Crop Residue Burning program from the Idaho State Department of Agriculture to the Division of Environmental Quality, who developed new rules for Crop Residue Burning, thereby leaving 02.06.16 obsolete.

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Lloyd B. Knight, Administrator, at (208) 332-8620.

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 October 27, 2010.

DATED this 27th day of August, 2010.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd.  
P.O. Box 790  
Boise, Idaho 83701  
Phone: (208) 332-8503  
Fax: (208) 334-2170

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**IDAPA 02.06.16 IS BEING REPEALED IN ITS ENTIRETY**

## IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

### 02.01.04 - RULES GOVERNING THE IDAHO PREFERRED® PROMOTION PROGRAM

DOCKET NO. 02-0104-1001

#### 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 22-112, 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 October 20, 2010.

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:

The non-food product qualifications will be changed to be more consistent with the processed food product qualifications which were revised in 2008. Currently, processed food products require that the ingredients be 20% agricultural content by weight grown or raised in Idaho and that the product must be processed in Idaho. Yet the non-food category, such as soaps and compost, must have 50% agricultural content from product grown or raised in Idaho. In addition, the qualifications for processed pork products will be changed to allow for ground pork or sausage to be produced from hogs over one year of age.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**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: N/A

**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 [July 7, 2010 Idaho Administrative Bulletin, Volume 10-7, page 15](#). A total of three industry meetings were held. Consensus was only reached on a portion of the proposed changes to the pork and pork products qualifications. Therefore, the only rule changes moving forward are a change to the non-food product qualifications and a change to the age of the animal for ground pork or sausage.

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Leah Clark, Trade Specialist, at (208) 332-8684.

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 October 27, 2010.

DATED this 26th day of August, 2010.

Brian Oakey, Deputy Director  
Idaho State Dept of Agriculture  
2270 Old Penitentiary Road  
P.O. Box 790; Boise, Idaho 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 02-0104-1001

**200. PRODUCT QUALIFICATION.**

**01. Authority of Determination.** The Director shall have the sole authority in determining the eligibility of a product for participation in the program. (3-16-04)

**02. General Product Qualifications.** Except as specified in this chapter, or by written order of the Director, products must meet or exceed the following criteria: (3-16-04)

**a.** Fresh produce and commodities bearing the Idaho Preferred® logo shall be one hundred percent (100%) Idaho grown or raised. (4-2-08)

**b.** Processed foods and beverages shall contain a minimum of twenty percent (20%) agricultural content by weight that has been grown or raised in Idaho and shall be processed in the state of Idaho. (4-2-08)

**c.** Non-food agricultural products must be at least ~~fifty~~ twenty percent (~~5~~20%) agricultural content by weight ~~and~~ that ~~agricultural content must have~~ has been grown or raised in Idaho and processing must occur in Idaho. (~~3-16-04~~)(    )

**03. Potatoes.** Only certification marks owned or administered by the Idaho Potato Commission may be branded on potatoes grown in Idaho unless prior Idaho Potato Commission approval in writing is secured and granted for the use of additional words or designs. Any person or participant applying to the Idaho Preferred® program, with the intention to promote Idaho-grown potatoes or products made from Idaho-grown potatoes, shall provide proof of such permission prior to making application with the Department. (3-30-07)

**04. Wine.** Wines shall contain a minimum of ninety-five percent (95%) Idaho grapes. (4-6-05)

**05. Nursery Stock.** Nursery stock shall have been grown in Idaho a minimum of one (1) growing season or growing cycle. (4-6-05)

**06. Beef and Beef Products.** Beef and beef products shall come from cattle that: (4-6-05)

**a.** Were born, raised and harvested in the United States. No cattle that originate from outside the United States may qualify for the Idaho Preferred® logo. (3-30-07)

**b.** Reside in Idaho at least twelve (12) months prior to harvest. The twelve (12) months need not be contiguous, but must be verifiable. (4-6-05)

**c.** Reside their entire lives in Idaho if harvested prior to twelve (12) months of age. (4-6-05)

**d.** Are processed in federally inspected plants and meet marbling and age requirements for USDA grade Select or better. (4-6-05)

**07. Lamb and Lamb Products.** Lamb and lamb products shall come from sheep that: (5-8-09)

**a.** Are born, raised and harvested in the United States. No lambs that originate from, or reside for any portion of their life outside the United States may qualify for the Idaho Preferred® logo. (5-8-09)

**b.** Have grazed or been fed in Idaho at least three (3) months prior to harvest. The three (3) months need not be contiguous, but must be verifiable. (5-8-09)

**c.** Are processed at approximately one (1) year of age or less and qualify as lamb or carcasses from older animals, identified as mutton by USDA inspectors, may qualify if they have met requirements in Subsection

- 200.07.b. (5-8-09)
- 08. Pork and Pork Products.** Pork and pork products shall come from hogs that: (5-8-09)
- a.** Are born, raised and harvested in the United States. No hogs that originate from, or reside for any portion of their life outside the United States may qualify for the Idaho Preferred® logo. (5-8-09)
- b.** Are raised in or processed in Idaho. (5-8-09)
- c.** Are processed at less than one (1) year of age unless used exclusively for ground pork or sausage products, and are processed in a federally inspected plant. ~~(5-8-09)~~( )
- 09. Poultry and Poultry Products.** Poultry and poultry products shall come from fowl that: (5-8-09)
- a.** Are hatched, raised and harvested in the United States. No fowl that originate from, or reside for any portion of their life outside the United States may qualify for the Idaho Preferred® logo. (5-8-09)
- b.** Are raised and processed in Idaho. Fertile eggs, also known as hatching eggs, or chicks less than three (3) days of age that originate outside of Idaho, but are raised and processed in Idaho, may qualify for Idaho Preferred®. (5-8-09)
- c.** Are processed in a facility that is approved through a District Health Department for retail sales, or in a federally inspected plant. (5-8-09)
- 10. Game Meat.** Game meat shall: (5-8-09)
- a.** Come from domestic elk that are born, raised and processed in Idaho and originate from a facility licensed by the Idaho State Department of Agriculture. (5-8-09)
- b.** Come from domestic buffalo that are born, raised and processed in Idaho. (5-8-09)
- c.** Be processed in a federally inspected plant. (5-8-09)
- 11. Apicultural Products.** Products produced by honey bees including raw honey, wax, pollen, and propolis shall be one hundred percent (100%) Idaho origin. Processed honey shall be eighty percent (80%) Idaho origin. (4-6-05)
- 12. Exceptions.** The Director shall have the authority to establish product qualification requirements specific to individual products and commodities by written order. (3-16-04)