

# Rules Governing Dairy

## Byproduct IDAPA 02.04.14

### SENATE AGRICULTURAL AFFAIRS COMMITTEE

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ADMINISTRATOR – DIVISION OF ANIMAL INDUSTRIES  
IDAHO STATE DEPT. OF AGRICULTURE



# Negotiated Rulemaking Meetings

- ▶ April 19, 2021 (conducted via videoconference)
- ▶ May 19, 2021 (conducted via videoconference)
- ▶ June 14, 2021 (conducted via videoconference)
- ▶ Multiple comments were submitted to the rulemaking record

**The Rules Governing Dairy Byproduct had been open for negotiated rulemaking for 3 consecutive years prior to 2021. The rulemaking was discontinued in 2020 due to a lack of consensus among stakeholders.**



# Summary of Rule Changes

- ▶ Removal of Phosphorus Threshold Sunset Clause (Section .031)
  - ▶ Consistency with 2021 amendment to Idaho Code 37-606(2)
- ▶ Red Tape Reduction (multiple sections)

# Removal of Phosphorus Threshold Sunset Clause Section .031 - 2021 Amendment to Idaho Code 37-606 (page 6)

## **031. PHOSPHORUS MANAGEMENT.**

Dairy farms shall utilize either Phosphorus Indexing (Section 031.01) or the Phosphorus Threshold (Section 031.02) to manage nutrient application. ~~After June 30, 2023, dairy farms will no longer be allowed to use the Phosphorus Threshold (Section 031.02) provision and all facilities will be required to use Phosphorus Indexing (Section 031.01).~~  
(3-20-20)T

**01. Phosphorus Indexing.** The dairy farm shall utilize phosphorus site indexing (PSI) for each field where dairy byproducts and/or commercial fertilizers are land applied and for each pasture utilized for grazing, in accordance with the 2017 Idaho Phosphorus Site Index Standards. The PSI shall be calculated by a Nutrient Management Planner, certified by the Department, and be included as a component of the DNMP in the dairy farm's Environmental Management Plan. It shall be the dairy farm's responsibility to provide updated information, including annual soil test results, to the Nutrient Management Planner for calculation of the PSI on all fields and pastures on an annual basis. Failure to abide by the nutrient application and management provisions of a field or pasture's PSI risk classification in the DNMP shall constitute a non-compliance and the producer may be penalized as provided in these rules. (3-20-20)T