

Dear Senators RICE, Bayer, Ward-Engelking, and  
Representatives ANDRUS, Boyle, Pence:

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

IDAPA 02.02.14 - Rules for Weights and Measures - Proposed Rule (Docket No. 02-0214-1601);

IDAPA 02.04.08 - Rules Governing Grade A Milk and Milk Products - Proposed Rule (Docket  
No. 02-0408-1601);

IDAPA 02.06.02 - Rules Pertaining to the Idaho Commercial Feed Law - Proposed Rule (Docket  
No. 02-0602-1601);

IDAPA 02.06.12 - Rules Pertaining to the Idaho Fertilizer Law - Proposed Rule (Docket No.  
02-0612-1601);

IDAPA 02.06.41 - Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001 - Proposed  
Rule (Docket No. 02-0641-1601).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the  
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research  
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative  
Services. The final date to call a meeting on the enclosed rules is no later than 07/27/2016. If a meeting is  
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis  
from Legislative Services. The final date to hold a meeting on the enclosed rules is 08/24/2016.

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 334-4834, or send a written request to the address on the  
memorandum attached below.



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

*Serving Idaho's Citizen Legislature*

### MEMORANDUM

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

**FROM:** Deputy Division Manager - Katharine Gerrity

**DATE:** July 08, 2016

**SUBJECT:** Idaho State Department of Agriculture

IDAPA 02.02.14 - Rules for Weights and Measures - Proposed Rule (Docket No. 02-0214-1601)

IDAPA 02.04.08 - Rules Governing Grade A Milk and Milk Products - Proposed Rule (Docket No. 02-0408-1601)

IDAPA 02.06.02 - Rules Pertaining to the Idaho Commercial Feed Law - Proposed Rule (Docket No. 02-0602-1601)

IDAPA 02.06.12 - Rules Pertaining to the Idaho Fertilizer Law - Proposed Rule (Docket No. 02-0612-1601)

IDAPA 02.06.41 - Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001 - Proposed Rule (Docket No. 02-0641-1601)

#### **1. IDAPA 02.02.14 - Rules for Weights and Measures**

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.02.14 - Rules for Weights and Measures. According to the department, the purpose of the rule is to incorporate by reference the 2017 edition of the National Institute of Standard and Technology Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices." The department notes that negotiated rulemaking was not conducted due to the simple nature of the proposed change. The rulemaking appears to be authorized pursuant to Section 71-111, Idaho Code.

#### **2. IDAPA 02.04.08 - Rules Governing Grade A Milk and Milk Products**

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.04.08 - Rules Governing Grade A Milk and Milk Products. According to the department, the purpose of the rule is to incorporate by reference the 2015 edition of the Grade "A" Pasteurized Milk Ordinance, the 2015 edition of the Evaluation of Milk Laboratories reference document, the 2015 edition of the Methods of Making Sanitation Ratings of Milk Shippers reference document and the 2015 edition of Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration reference document. The department notes that negotiated rulemaking was not conducted due to the simple nature of the proposed change. The rulemaking appears to be authorized pursuant to Section 37-303, Idaho Code.

Mike Nugent, Manager  
Research & Legislation

Cathy Holland-Smith, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

### **3. IDAPA 02.06.02 - Rules Pertaining to the Idaho Commercial Feed Law**

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.06.02 - Rules Pertaining to the Idaho Commercial Feed Law. According to the department, the purpose of the rule is to incorporate by reference information and updates contained in the 2017 Official Publication of the Association of American Feed Control Officials (AAFCO) as they pertain to the methodology and practice of conducting regulatory commercial feed registration and label review. The department notes that negotiated rulemaking was not conducted due to the simple nature of the proposed change. The rulemaking appears to be authorized pursuant to Section 25-2710, Idaho Code.

### **4. IDAPA 02.06.12 - Rules Pertaining to the Idaho Fertilizer Law**

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.06.12 - Rules Pertaining to the Idaho Fertilizer Law. According to the department, the purpose of the rule is to incorporate by reference information and updates contained in the 2017 Official Publication of the Association of American Plant Food Control Officials (AAPFCO) as they pertain to the methodology and practice of conducting regulatory fertilizer registration and label review. The department notes that negotiated rulemaking was not conducted due to the simple nature of the proposed change. The rulemaking appears to be authorized pursuant to Section 22-604, Idaho Code.

### **5. IDAPA 02.06.41 - Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001**

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.06.41 - Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001. According to the department, the purpose of the rule is to incorporate by reference information and updates contained in the 2017 Official Publication of the Association of American Plant Food Control Officials (AAPFCO) as they pertain to the methodology and practice of conducting regulatory soil and plant amendment registration and label review. The department notes that negotiated rulemaking was not conducted due to the simple nature of the proposed change. The rulemaking appears to be authorized pursuant to Section 22-2204, Idaho Code.

cc: Idaho State Department of Agriculture  
Brian J. Oakey

**IDAPA 02 - DEPARTMENT OF AGRICULTURE**

**02.02.14 - RULES FOR WEIGHTS AND MEASURES**

**DOCKET NO. 02-0214-1601**

**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 71-111, 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, 2016.

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:

To incorporate by reference the 2016 edition of the National Institute of Standard and Technology Handbook 44, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices. NIST documents are available online at <http://www.nist.gov/pml/wmd/index.cfm>.

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

**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:

ISDA does not anticipate any fiscal impact from the changes to be made to the Rule during this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the proposed amendment.

**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 document is recognized nationally as the primary reference document, incorporating the most current version promotes uniformity throughout the United States.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Kevin Merritt, Section Manager at (208) 332-8690.

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, 2016.

DATED this 2nd Day of June, 2016.

Brian J. Oakey  
Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd.  
PO Box 790  
Boise, Idaho 83701  
Telephone: (208) 332-8500  
Fax: (208) 332-2170

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0214-1601**  
**(Only Those Sections With Amendments Are Shown.)**

**004. INCORPORATION BY REFERENCE.**

**01. Required Reference Materials.** The 2016<sup>7</sup> edition of Handbook No. 44 of the National Institute of Standards and Technology, United States Department of Commerce, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," hereby incorporated by reference, shall be the specifications, tolerances and other technical requirements for commercial weighing and measuring devices, unless otherwise stated in these rules. (~~3-25-16~~)(    )

**02. Required Reference Materials for Checking Prepackaged Commodities.** The 4th Edition of Handbook No. 133 of the National Institute of Standards and Technology, United States Department of Commerce, "Checking the Net Contents of Packaged Goods," hereby incorporated by reference, shall be the authority in checking packaged commodities, unless otherwise stated in these rules. (2-13-04)

**03. Specifications for Diesel Fuel and Biodiesel Fuel.** American Society of Testing and Materials (ASTM) D975-07a, "Standard Specification for Diesel Fuel Oils," and ASTM D6751-07a, "Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels," intended for blending with diesel fuel are hereby incorporated by reference and are the specifications for diesel fuel and biodiesel fuel blend stock (B100 biodiesel). (4-2-08)

**04. Specifications for Gasoline.** American Society of Testing and Materials (ASTM) D 4814-07a, "Standard Specification for Automotive Spark-Ignition Engine Fuel", dated October 17, 2007, is hereby incorporated by reference and is the specification for gasoline. (5-8-09)

**05. Local Availability.** Copies of the incorporated documents are on file with the Idaho State Department of Agriculture, 2216 Kellogg Lane, Boise, Idaho 83712. Copies of NIST documents may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies are available for downloading at <http://www.nist.gov/pml/wmd/index.cfm>. Copies of ASTM specifications are on file with the Idaho State Department of Agriculture or may be purchased from <http://www.astm.org>, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA, 19428. (4-7-11)

## **INCORPORATION BY REFERENCE SYNOPSIS**

In compliance with Section 67-5223(4), Idaho Code, the following is a synopsis of the differences between the materials previously incorporated by reference in this rule that are currently of full force and effect and newly revised or amended versions of these same materials that are being proposed for incorporation by reference under this rulemaking.

The following agency of the state of Idaho has prepared this synopsis as part of the proposed rulemaking for the chapter cited here under the docket number specified:

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

#### ***02.02.14 - RULES FOR WEIGHTS AND MEASURES***

##### ***DOCKET NO. 02-0214-1601***

The following is a list of the significant changes that will occur in the 2017 edition of the National Institute of Standards and Technology (NIST) Handbook 44. This list does not include several clerical or editorial changes. This entire document can be viewed online after November of 2016 at <http://www.nist.gov/pml/wmd/index.cfm>. This document is adopted as a reference document by the ISDA Weights and Measures program.

- Identification of Software – Added the provision mandating electronic software based devices shall be capable of displaying the version of software, non-retroactive as of January 1, 2022. This change will mostly affect manufactures of weighing and measuring devices and regulatory officials.
- Metrological Software Update – Added a provision providing that software updates that change the metrological aspect of the device will be considered a sealable event. This affects manufactures of weighing and measuring devices, service entities and regulatory officials.
- Relationship of Load Cell Verification to Scale Division – This change clarifies the calculation used to determine the minimum load cell verification interval when a vehicle scale has more than one weighing platform. This affects manufacturers, service entities and regulatory officials.
- Prescribed Test Patterns and Test Loads for Livestock Scales – This changes how test loads are applied to the deck of livestock scales. This affects regulatory officials and service entities.
- Card Operated Retail Motor Fuel Devices – Gas pumps once authorized by the attendant must de-authorize after 2 minutes if not activated by the user. This requirement is to prevent unauthorized use of a device. This change will affect customers and regulatory officials.
- Verification of Linearization Factors - This change updates Handbook 44 to reflect technological changes in registers for liquid measuring devices and to alert Weights and Measures officials to the errors imposed by start-up and shut-down of devices. This affects regulatory officials.

- Return to Zero – This change requires that indicators (readouts) of weighing or measuring devices shall not be resettable to zero during a delivery. This affects regulatory officials.
- Categories of Sealing Methods – This allows security sealing of electronic devices event logger to be available on demand through the devices indicator or other available electronic means. This affects device manufactures and regulatory officials.
- Vapor Elimination – This change mandates that vapor elimination lines used on metering devices on gas pumps, propane meters and vehicle tank mounted meters shall be made of appropriate non-collapsible material. This affects service entities of measuring devices and regulatory officials.
- Test Drafts – This change allows for comparisons between master meters and calibrated transfer vessels (provers) as long as the test drafts are equal in amount and delivered at the devices maximum flow rate for 2 minutes. This affects regulatory officials.
- Wholesale Devices - This change allows for a “special” test to determine the characteristics of the metering system. The meter is tested at a flow rate slightly above the manufactures slowest flow rating. This affects regulatory officials.
- Multiple Dimension Measuring Devices – This change requires that multi-dimension measuring devices indicate the same unit of measure for all dimensions. This affects manufactures and regulatory officials. Also, there are changes to marking requirements for Multiple Dimension Measuring Systems – This change updates the required information on accompanying documents by the manufacturer, requiring the name of the manufacturer and model designation. This affects manufactures.
- Definitions – Updates to the definitions section of the handbook include adding the definition for “Diesel Gallon Equivalent” (DGE) and “Gasoline Gallon Equivalent” (GGE) and their metric equivalents. This addition to the handbook identifies the conversion factors used for liquefied natural gas and compressed natural gas used as a motor fuel to be identified and sold as DGE or GGE units, or their perspective metric equivalents. This change will affect retail establishments that sell natural gas for motor fuel, service entities and regulatory officials.
- Taxi Meters – This change requires that at the conclusion of the transaction, a customer receipt be printed and that no other charges shall occur until the meter has been cleared. Included in this change is a requirement that when a flat rate or negotiated rate is established, that fare may no longer be advanced by movement of the vehicle or the time mechanism on the meter. This change will affect taxi meter manufacturers and regulatory officials.

For additional information, please contact;

Kevin Merritt  
 Section Manager  
 ISDA Bureau of Weights and Measures  
 Telephone: 208-332-8690  
 Email: Kevin.Merritt@ISDA.IDAHO.GOV

**IDAPA 02 - DEPARTMENT OF AGRICULTURE**  
**02.04.08 - RULES GOVERNING GRADE A MILK AND MILK PRODUCTS**  
**DOCKET NO. 02-0408-1601**  
**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, 2016.

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:

To incorporate by reference the 2015 edition of the Grade A Pasteurized Milk Ordinance; 2015 edition of the Evaluation of Milk Laboratories reference document; 2015 Methods of Making Sanitation Ratings of Milk Shippers reference document and 2015 edition of Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration reference document.

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

**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:

ISDA does not anticipate any fiscal impact from the changes to be made to the Rule during this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the proposed amendment.

**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:

These documents are recognized nationally as the primary reference and regulatory documents related to Grade A milk and milk products. Incorporating the most current version of the documents promotes uniformity throughout the United States dairy industry and the U.S. Food and Drug Administration.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rulemaking, contact Dr. Scott Leibsle, Deputy Administrator – Division of Animal Industries 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 July 27, 2016.

DATED this 2nd Day of June, 2016.

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



**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0408-1601**  
**(Only Those Sections With Amendments Are Shown.)**

**004. INCORPORATION BY REFERENCE.**

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

**01. Grade "A" Pasteurized Milk Ordinance.** The Grade "A" Pasteurized Milk Ordinance, 20~~11~~<sup>15</sup> revision, published by the U. S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, except the bacterial limit standard and the somatic cell count standard in Section 7 of the document. Available online at <http://www.fda.gov/downloads/Food/FoodSafety/Product-SpecificInformation/MilkSafety/NationalConferenceonInterstateMilkShipmentsNCIMSModelDocuments/UCM291757.pdf>. (~~4-4-13~~)(    )

**02. Evaluation of Milk Laboratories.** The Evaluation of Milk Laboratories, 20~~11~~<sup>15</sup> revision, published by the U. S. Department of Health and Human Services, Public Health Service, Food and Drug Administration. Available online at <http://www.fda.gov/downloads/Food/FoodSafety/Product-SpecificInformation/MilkSafety/NationalConferenceonInterstateMilkShipmentsNCIMSModelDocuments/UCM293265.pdf>. (~~4-4-13~~)(    )

**03. Methods of Making Sanitation Ratings of Milk Shippers.** The Methods of Making Sanitation Ratings of Milk Shippers, 20~~11~~<sup>15</sup> revision, published by the U. S. Department of Health and Human Services, Public Health Service, Food and Drug Administration. Available online at <http://www.fda.gov/downloads/Food/FoodSafety/Product-SpecificInformation/MilkSafety/NationalConferenceonInterstateMilkShipmentsNCIMSModelDocuments/UCM290758.pdf>. (~~4-4-13~~)(    )

**04. Interstate Milk Shipments.** The Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments, 20~~11~~<sup>15</sup> revision, published by the U. S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, and the National Conference on Interstate Milk Shipments. Available online at <http://www.fda.gov/downloads/Food/FoodSafety/Product-SpecificInformation/MilkSafety/NationalConferenceonInterstateMilkShipmentsNCIMSModelDocuments/UCM283586.pdf>. (~~4-4-13~~)(    )

## **INCORPORATION BY REFERENCE SYNOPSIS**

In compliance with Section 67-5223(4), Idaho Code, the following is a synopsis of the differences between the materials previously incorporated by reference in this rule that are currently of full force and effect and newly revised or amended versions of these same materials that are being proposed for incorporation by reference under this rulemaking.

The following agency of the state of Idaho has prepared this synopsis as part of the proposed rulemaking for the chapter cited here under the docket number specified:

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

#### ***02.04.08 - RULES GOVERNING GRADE A MILK AND MILK PRODUCTS***

##### ***DOCKET NO. 02-0408-1601***

#### **Amendments to the 2015 Grade A Pasteurized Milk Ordinance (PMO)**

The PMO was modified to bring requirements in line with the Preventative Controls Rule of the Food Safety Modernization Act (FSMA) that will allow FDA to accept the PMO as a Food Safety Plan, specifically, the bacterial standards and examination of single service container requirements

#### **Amendments to the 2015 Methods of Making Sanitation Ratings of Milk Shippers**

Single Service Ratings procedure was modified to include a scoring system to objectively determine if facilities will pass or fail a rating inspection. Previous rules gave the rating officer to authority to subjectively “judge” if the facility would pass or fail a rating, with minimal guidelines as to how to make that determination.

#### **Amendments to the 2015 Interstate Milk Shipments**

A certification and re-certification procedure for delegated sample surveillance officers has been created. This allows individuals certified to conduct foreign facility inspections under the Third party Certification program to establish a procedure that is with consistent with current protocol in the US.

#### **Significant changes for the 2015 Evaluation of Milk Laboratories (EML)**

The process for application and approval of future dairy product testing modalities has been described. This will provide Milk Laboratories the opportunity to apply for and acquire additional testing options that are more economical, more accurate and generate quicker results when performing quality control testing in the dairy industry.

**IDAPA 02 - DEPARTMENT OF AGRICULTURE**  
**02.06.02 - RULES PERTAINING TO THE IDAHO COMMERCIAL FEED LAW**  
**DOCKET NO. 02-0602-1601**  
**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 25-2710, 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, 2016.

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:

To incorporate by reference information and updates contained in the 2017 Official Publication of the Association of American Feed Control Officials (AAFCO) as they pertain to the methodology and practice of conducting regulatory commercial feed registration and label review.

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

**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:

ISDA does not anticipate any fiscal impact from the changes to be made to the Rule during this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the proposed amendment.

**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:

ISDA has incorporated the Association of American Feed Control Officials (AAFCO) Official Publication into the Rules Pertaining to the Idaho Commercial Feed Law for a number of years. The only change to the incorporation by reference section is to the date of the Official Publication.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jared Stuart, Agriculture Section Manager at (208) 332-8622 or email [jared.stuart@isda.idaho.gov](mailto:jared.stuart@isda.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be delivered on or before July 27, 2016.

DATED this 2nd Day of June, 2016.

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

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0602-1601**  
**(Only Those Sections With Amendments Are Shown.)**

**004. INCORPORATION BY REFERENCE.**

Copies of these documents may be viewed at the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.06.02 incorporates by reference: (3-30-07)

**01. The Association of American Feed Control Officials (AAFCO) Official Publication.** The Terms, Ingredient Definitions and Policies as published in the “2016~~7~~ Official Publication” of AAFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 25, Chapter 27, Idaho Code, and any rule promulgated thereunder. The AAFCO Official Publication is a copyrighted publication and not available in electronic format. A copy may be purchased online from the AAFCO website at: [www.aafco.org](http://www.aafco.org). (~~3-25-16~~)(    )

**02. The Merck Index.** The “2006 Merck Index,” 14th Edition, as published by Merck Research Laboratories Division of Merck & Co., Incorporated. The Merck Index is a copyrighted publication and not available in an electronic format. A copy may be purchased online from Merck & Co., Inc at: <http://www.rsc.org/merckindex>.

## **TEMPLATE FOR SYNOPSIS FOR INCORPORATION BY REFERENCE**

### **INCORPORATION BY REFERENCE SYNOPSIS**

In compliance with Section 67-5223(4), Idaho Code, the following is a synopsis of the differences between the materials previously incorporated by reference in this rule that are currently of full force and effect and newly revised or amended versions of these same materials that are being proposed for incorporation by reference under this rulemaking.

The following agency of the state of Idaho has prepared this synopsis as part of the proposed rulemaking for the chapter cited here under the docket number specified:

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

***02.06.02 - RULES PERTAINING TO THE IDAHO COMMERCIAL FEED LAW***

***DOCKET NO. 02-0602-1601***

*(The agency's brief description that explains the differences between the version of the materials or documents that are currently incorporated by reference and the materials or documents that are being proposed for adoption in this rulemaking is forthcoming.)*

**IDAPA 02 - DEPARTMENT OF AGRICULTURE**  
**02.06.12 - RULES PERTAINING TO THE IDAHO FERTILIZER LAW**  
**DOCKET NO. 02-0612-1601**  
**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 22-604, 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, 2016.

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:

To incorporate by reference information and updates contained in the 2017 Official Publication of the Association of American Plant Food Control Officials (AAPFCO) as they pertain to the methodology and practice of conducting regulatory fertilizer registration and label review.

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

**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:

ISDA does not anticipate any fiscal impact from the changes to be made to the Rule during this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the proposed amendment.

**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 Association of American Plant Food Control Officials (AAPFCO) Official Publication and the Official Methods of Analysis (OMA) published by the Association of Official Agricultural Chemists (AOAC) International are the recognized and primary reference books of approved fertilizer terms, ingredient definitions and policies used by the fertilizer industry and all state and federal fertilizer control officials and regulators.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jared Stuart, Agriculture Section Manager at (208) 332-8622 or email [jared.stuart@isda.idaho.gov](mailto:jared.stuart@isda.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be delivered on or before July 27, 2016.

DATED this 2nd Day of June, 2016.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0612-1601  
(Only Those Sections With Amendments Are Shown.)

**004. INCORPORATION BY REFERENCE.**

Copies of these documents may be viewed at the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.06.12 incorporates by reference: (4-7-11)

**01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication.**

The Terms, Ingredient Definitions, and Policies, as published in the “2016~~7~~ Official Publication” of AAPFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 22, Chapter 6, Idaho Code, and any rule promulgated thereunder. The AAPFCO Official Publication is a copyrighted publication and not available in electronic format. A copy may be purchased online from the AAPFCO website at: [http://www.aapfco.org/pdf/order\\_form\\_69.pdf](http://www.aapfco.org/pdf/order_form_69.pdf). (~~3-25-16~~)(    )

**02. The Merck Index.** The “2006 Merck Index,” 14th Edition as published by Merck Research

Laboratories Division of Merck & Co., Incorporated. The Merck Index is a copyrighted publication and not available in an electronic format. A copy may be purchased online from Merck & Co., Inc. (now hosted by the Royal Society of Chemistry) at: <http://www.rsc.org/merckindex>. (4-7-11)

**03. The Association of Official Agricultural Chemists (AOAC) International.** The “2005 Official

Methods of Analysis (OMA) of the AOAC,” 18th Edition, a copyrighted publication, is maintained and published by the AOAC International. The AOAC OMA is available in electronic format at: [www.EOMA.AOAC.org](http://www.EOMA.AOAC.org). A copy may be purchased online from AOAC International. (3-29-12)

## **TEMPLATE FOR SYNOPSIS FOR INCORPORATION BY REFERENCE**

### **INCORPORATION BY REFERENCE SYNOPSIS**

In compliance with Section 67-5223(4), Idaho Code, the following is a synopsis of the differences between the materials previously incorporated by reference in this rule that are currently of full force and effect and newly revised or amended versions of these same materials that are being proposed for incorporation by reference under this rulemaking.

The following agency of the state of Idaho has prepared this synopsis as part of the proposed rulemaking for the chapter cited here under the docket number specified:

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

***02.06.12 - RULES PERTAINING TO THE IDAHO FERTILIZER LAW***

***DOCKET NO. 02-0612-1601***

*(The agency's brief description that explains the differences between the version of the materials or documents that are currently incorporated by reference and the materials or documents that are being proposed for adoption in this rulemaking is forthcoming.)*



## IDAPA 02 - DEPARTMENT OF AGRICULTURE

### 02.06.41 - RULES PERTAINING TO THE IDAHO SOIL AND PLANT AMENDMENT ACT OF 2001

#### DOCKET NO. 02-0641-1601

#### 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 22-2204, 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, 2016.

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:

To incorporate by reference information and updates contained in the 2017 Official Publication of the Association of American Plant Food Control Officials (AAPFCO) as they pertain to the methodology and practice of conducting regulatory soil and plant amendment registration and label review.

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

**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:

ISDA does not anticipate any fiscal impact from the changes to be made to the Rule during this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the proposed amendment.

**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 Association of American Plant Food Control Officials (AAPFCO) Official Publication and the Official Methods of Analysis (OMA) published by the Association of Official Agricultural Chemists (AOAC) International are the recognized and primary reference books of approved fertilizer terms, ingredient definitions and policies used by the industry and all state and federal soil and plant amendments control officials and regulators.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jared Stuart Agriculture Section Manager at (208) 332-8622 or [jared.stuart@isda.idaho.gov](mailto:jared.stuart@isda.idaho.gov). Anyone may submit written comments regarding this proposed rulemaking. All written comments must be delivered on or before July 27, 2015.

DATED this 2nd Day of June, 2016.

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

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0641-1601**  
**(Only Those Sections With Amendments Are Shown.)**

**004. INCORPORATION BY REFERENCE.**

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

#### ***02.06.41 - RULES PERTAINING TO THE IDAHO SOIL AND PLANT AMENDMENT ACT OF 2001***

#### ***DOCKET NO. 02-0641-1601***

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