



Proposed/Temporary Administrative Rules Form

Section 1 (To be Completed by Agency)

Agency Name: Idaho State Department of Agriculture		STARS Agency Code: 210	Fax Number: 208-334-4062	Date: April 25, 2014
Contact Person: John Bilderback	Title: Bureau Chief, Dairy, Beef, & Poultry Sanitation and Environmental Programs	Phone: 208-332-8541	Email: john.bilderback@agri.idaho.gov	
Person Authorizing Rule: Brian Oakey	Title: Deputy Director	Phone: 208-332-8500	Email: brian.oakey@agri.idaho.gov	

Statutory Authority for the rule making (Idaho Code, Federal Statute or Regulation):
Idaho Code § 37-303 (effective July 2, 2014) and § 37-516

Title, Chapter, and Possible Docket (IDAPA) Number:
IDAPA 02.04.05 Rules of the Department of Agriculture Governing Manufacture Grade Milk

This rule is: Proposed Temporary **Effective Date:**

If this is a temporary rule:

- Necessary to protect the public health, safety, or welfare; or
- Compliance with deadlines in amendments to governing law or federal programs; or
- Conferring a benefit.

Please explain:

If this is a temporary rule which imposes a fee or charge, provide justification as described in Idaho Code 67-5226(2):

Agency has determined according to Idaho Code 67-5220(1):

This rule is to be negotiated Negotiation of this rule is not feasible

If rule is negotiated:
Agency certifies that the rule has been or will be negotiated with interested persons as outlined in Idaho Code 67-5220(3). *(indicate which)*

If rule negotiation is not feasible, the agency has determined:

- Rule is temporary; or
- Rule is simple in nature; or
- Lack of identifiable representatives of affected interests; or
- Affected interests are not likely to reach consensus; or
- Other.

Please explain:

Provide a fiscal impact statement for all programs affected. Be sure to reflect both positive and negative impacts and to include all fund sources including both the General Fund and dedicated funds: ISDA does not anticipate any fiscal impact from the changes to be made to the rule during this rulemaking.

Provide a short explanation of the need for this rule:
The rule needs to be revised to reflect and coincide with the statute change (Senate Bill No. 1338) which was passed during the 2014 Legislature and signed by Governor C. L. Otter on April 3, 2014.

Provide a short summary of the changes this rule makes:

The rule will be changed to be consistent with and correspond to legislation passed during the 2014 Legislature (Senate Bill No. 1338) and signed by Governor C. L. Otter on April 3, 2014. In addition, rule was last revised in 1994. Since this time some of the contents of the rule have become outdated and need to be revised or removed.

We will also take the opportunity to update the rule format to bring it into compliance with the new rule format (adding incorporation by reference, address, office hours, telephone, and fax numbers, and the Idaho public records act). The name of the rule will also be changed to Rules Governing Manufacture Grade Milk to be consistent with OAR's policy.

Provide a list of those persons or interest group(s) affected by this rule:

Dairy processors and dairy processing plants in the state of Idaho.

Section 2 (To be Completed by DFM)

DFM Analyst Comments:

This rule change will make the rule consistent with the legislation that was passed during the 2014 session. It also will update the areas that are outdated and need to be revised or removed. Specifically, documents referenced throughout the rule will be listed under the incorporation by reference. All mentions of the Babcock tests will be removed since this test is no longer used. Likewise, the Methods of Analysis section will be removed because this section has been removed and a new rule (IDAPA 02.04.09 Rules Governing Milk and Cream Procurement and Testing) covers the requirements for the methods of testing milk and cream for sale. The standards of identity of products will comply with the federal definitions.

This change will also update the rule format to bring it into compliance with the new rule format (adding incorporation by reference, address, office hours, telephone, and fax numbers, and the Idaho public records act). The name of the rule will also be changed to Rules Governing Manufacture Grade Milk to be consistent with policy.

DFM Analyst Fiscal Impact Review:

NA

DFM Analyst Signature & Date:

Anita Hamann, May 6, 2014

Recommend:

Yes No

Gov Special Assistant Signature & Date:

Cally Younger May 8, 2014

Recommend:

Yes No

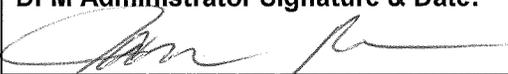
DFM Administrator Action:

Approved

Authorized to Advance Rulemaking Process, DFM to review draft rule prior to publication (See Section 3)

Not Approved

DFM Administrator Signature & Date:



5/9/2014

Section 3 (To Be Completed By DFM if Required)

DFM Analyst Signature & Date:

Recommend:

Yes No

DFM Administrator Signature & Date:

Approved:

Yes No

PARF No. 2014-210-15