

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.04.05 - RULES OF THE DEPARTMENT OF AGRICULTURE GOVERNING MANUFACTURE GRADE MILK

DOCKET NO. 02-0405-1401

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(s) 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 September 17, 2014.

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 rule is being updated to reflect and be consistent with Senate Bill No. 1338, passed during the 2014 Legislature and signed by Governor C. L. “Butch” Otter on April 3, 2014 effective July 1, 2014. The last changes to the rule were adopted in 1994. Since that time, some of the contents of the rule have become outdated and need to be revised or removed.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 IDAPA 02.04.09, “Rules Governing Milk and Cream Procurement and Testing,” now covers the requirements for the methods of testing milk and cream for sale. The standards of identity of products will be consistent with the federal definitions.

Currently in Idaho Statute, there are no quality standards specified for butter or whey butter. The rule will establish quality standards for coliform and bacteria testing to ensure that butter and whey butter made in Idaho is of high quality.

The format of the rule will be updated to bring it into compliance with more recent rulemaking formats (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 Office of Administrative Rule’s policy.

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

No fee is being imposed or charged through the adoption of this proposed rule.

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

There is no fiscal impact to the general fund as a result of this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted on July 22, 2014. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 4, 2014 Idaho Administrative Bulletin, Vol. 14-6 page 18.

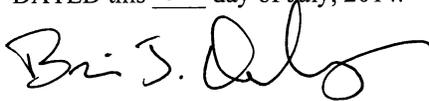
INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

The existing rule does not have an incorporation by reference section, however, the following texts are referenced in the existing rule: Standard Methods for the Examination of Dairy Products, Official Methods of Analysis of AOAC International, and the United States Sediment Standards for Milk and Milk Products. The United States Standards for Grades of Butter is incorporated into 37-313, but will now be explicitly listed in the rule text. Lastly, Appendix D "Standards for Water Sources" of the Grade "A" Pasteurized Milk Ordinance is being proposed for incorporation by reference.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact John Bilderback at 208-332-8541 or john.bilderback@agri.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 24, 2014.

DATED this 31st day of July, 2014.



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