

## IDAHA 02 – IDAHO STATE DEPARTMENT OF AGRICULTURE

### 02.06.33 - RULES GOVERNING ORGANIC FOOD PROGRAM

DOCKET NO. XX-XXXX-XXXX (OARC will assign)

#### 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 22-1103, 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 June 18, 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: IDAPA 02.06.33.300 requires annual registration and payment of fees of \$50 each for organic producers and handlers with \$5,000 or less of annual gross sales, and other certifying agents operating in Idaho. This registration and fee is prohibited by the National Organic Program (NOP) administered by the U.S. Department of Agriculture under 7 CFR Part 205. Idaho State Department of Agriculture desires to operate in compliance with NOP rules and moves to repeal IDAPA 02.06.33.300.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: \$50 annual registration fee being repealed.

**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: No impact to the General Fund. There will be a \$1,250 reduction in annual revenue to the Organic Food Program dedicated fund.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the federal NOP rules take precedence over IDAPA 02.06.33.300, which must be repealed.

**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 Dave Ogden, Section Manager at (208) 332-8612. 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 June 25, 2014.

DATED this \_\_\_\_ of May, 2014.

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