

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.06.33 – ORGANIC FOOD PRODUCT RULES

DOCKET NO. XXX (OAR will assign)

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

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) 22-1103, Idaho Code.

MEETING SCHEDULE: Negotiated rulemaking will be conducted as follows:

A draft of the proposed rule change will be available on June 11, 2012 on the ISDA Web site (www.agri.idaho.gov). Comments must be received by ISDA by July 20, 2012.

Anyone may also attend the negotiated rulemaking meeting at the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, Boise, Idaho 83712, on July 16, 2012 at 1:00 PM (MST).

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

All written comments must be directed to Brandon Lamb and must be delivered on or before July 20, 2012. Comments can be sent via email to Brandon.Lamb@agri.idaho.gov, or via mail to:

Brandon Lamb
Idaho State Department of Agriculture
PO Box 790
Boise, ID 83701

Or:

Attend the negotiated rulemaking meeting at the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, Boise, Idaho 83712, on July 16, 2012 at 1:00 PM (MST).

DESCRIPTIVE SUMMARY: The following is a non-technical explanation of the substance and purpose of the proposed rulemaking:

A new updated Idaho certified organic seal for use on certified organic products is proposed along with a variant for approved materials. The new seals have fewer colors than the existing seal, and will be less expensive to reproduce.

The organic food industry and material suppliers to organic industry are in need of a published list of branded materials approved for organic production, processing, and handling. Material suppliers are very interested in having third party approval for marketing purposes. Certified organic operations are interested in the material list to help them identify and use materials approved by the Idaho Organic Program.

FEE SUMMARY: The following is a specific description of the proposed new fee:
For listing of materials on the published list of branded materials:

- 03. Fees.** The Director may charge fees for services and use of seal not to exceed:
- a.** Initial non-refundable application fee of \$500.
 - b.** Initial and annual material inspections at \$50 per hour, plus per diem, lodging, and travel as allowed by state and ISDA rules, and any other additional out of pocket costs necessary to determine the suitability of the material for use in organic production, processing, or handling.
 - c.** Sales volume fees:
- | Annual Sales | Annual Fees |
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\$0 to \$20,000	\$ 500
\$20,001 to \$75,000	\$2,500
\$75,000 and above	\$5,000

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: NONE

Organic Program Food Fund 0332-10 will have increased revenues estimated at \$10,000 to \$20,000 per year.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING A COPY: For assistance on technical questions concerning the proposed rule or to obtain a copy of the proposed rule, contact Brandon Lamb, Idaho Organic Food Program Manager, 208-332-8675, or at Brandon.Lamb@agri.idaho.gov. A full copy of the proposed rule is posted at www.agri.idaho.gov.

DATED this 8th day of June 2012.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, ID 83701