DFM Tracking No.
2012-210-2

State of Idaho

DIVISION OF FINANCIAL MANAGEMENT

Executive Office of the Governor

Proposed/Temporary Administrative Rules Form

Section 1 *(To be completed by Agency)*

Agency Name: Department of Agriculture		**STARS Agency Code:** 210	**Fax Number:** 334-2283	**Date:** 4/16/2012
Contact Person: Kathryn Mink	**Title:** Section Manager Feed, Fertilizer & Seed	**Phone:** 332-8564	**Email:** Katie.mink@agri.idaho.gov
Person Authorizing Rule: Brian Oakey	**Title:** Deputy Director	**Phone:** 332-8552	**Email:** Brian.oakey@agri.idaho.gov

Section 2 *(To be completed by Agency)*

Statutory Authority for the rule making (Idaho Code, Federal Statute or Regulation):
25-2710, Idaho Code

Title, Chapter, and Possible Docket (IDAPA) Number:
02.06.02 – Rules Pertaining to the Idaho Commercial Feed Law

This Rule is: ☑ Proposed ☑ Temporary

Effective Date: Oct 1, 2012

If 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.

If this is a temporary rule which imposes a fee or charge, provide justification as described in Idaho Code 67-5226(2):
25-2710, Idaho Code

Provide a fiscal impact statement, both positive and negative, by fund source for all programs affected:
This change is expected to result in a shift from commercial feed tonnage revenue to commercial feed registration revenue, and is not expected to result in an increase or decrease in total commercial feed revenue.

Need for Proposed Rule Change:
To conform with the changes of the Commercial Feed Law, SB 1236, which includes a shift from feed tonnage revenue to feed registration revenue, inclusion of definitions for websites in feed labeling, products exempt from registration as a feed, customer formula feeds, and party or parties responsibility for registration. Changes also stipulate the inclusion of labels on bulk feeds, increased ISDA accountability surrounding inspection procedures and the timeframe for review of labels submitted with registration.

Proposed Rule Changes (Summary Only):
Add *011. Exemptions*, to define those processing byproducts and production wastes that will be exempt from registration. Products to be exempted TBD.
Add *020. Registration & Fees*, to set in rule a negotiated fee of not more than $100 for registration of commercial feeds. Fee TBD.
Add *050.01.h*, Inclusion of statements and promotion on company websites or other internet based customer interfaces into the definition of "labeling."

Interest Group(s) or Citizens Affected:
Commercial feed manufacturers, retailers, end users

Section 3 *(DFM Use Only)*

DFM Analyst Comments:
Temporary rule as a result of new legislation related to commercial feed.

DFM Analyst Fiscal Impact Review: **Changes registration revenue from tonnage to registration based. Overall neutral.**	
DFM Analyst Signature & Date: **D. Keith Reynolds 04/25/12**	**Recommend:** X **Yes** ☐ **No**
Gov Special Assistant Signature & Date: **Bonnie Butler 04/25/12**	**Recommend:** X **Yes** ☐ **No**
DFM Administrator Signature & Date: Wright 4/26/12	**Approval:** ☒ **Yes** ☐ **No**

Section 4 (***To Be Completed By DFM PARF Coordinator***)	**Date**	**Days**
Received by DFM from Agency	**4/25/2012**	**0**
Received by DFM Analyst from Coordinator	**4/25/2012**	**0**
Received by Coordinator from Analyst	**4/25/2012**	**0**
Received by Governor's Special Assistant from Coordinator	**4/25/2012**	**0**
Received by Coordinator from Governor's Special Assistant	**4/25/2012**	**0**
Received by DFM Administrator	**4/26/2012**	**1**

Return via email to: info@dfm.idaho.gov