



State of Idaho

# DIVISION OF FINANCIAL MANAGEMENT

Executive Office of the Governor

DFM Tracking No.  
2012-210-1

## Proposed/Temporary Administrative Rules Form

### Section 1 (To be completed by Agency)

<b>Agency Name:</b> Idaho State Department of Agriculture		<b>STARS Agency Code:</b> 210	<b>Fax Number:</b> 208-334-4062	<b>Date:</b> 3/16/12
<b>Contact Person:</b> Marv Patten	<b>Title:</b> Bureau Chief, Dairy & CAFO Bureau	<b>Phone:</b> 208-332-8550	<b>Email:</b> Marv.patten@agri.idaho.gov	
<b>Person Authorizing Rule:</b> Brian Oakey	<b>Title:</b> Deputy Director, ISDA	<b>Phone:</b> 208-332-8500	<b>Email:</b> Brian.oakey@agri.idaho.gov	

### Section 2 (To be completed by Agency)

**Statutory Authority for the rule making (Idaho Code, Federal Statute or Regulation):**  
Idaho Code §§ 37-308, -314, -401, -403, -708, and -803

**Title, Chapter, and Possible Docket (IDAPA) Number:**  
IDAPA 02.04.08, Rules Governing Grade A Milk and Milk Products

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

**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):** Not Applicable

**Provide a fiscal impact statement, both positive and negative, by fund source for all programs affected:**  
 There is no fiscal impact to the general fund. The program is funded by a mill levy assessment paid by the dairy industry, pursuant to Idaho Code §37-407.

**Need for Proposed Rule Change:**  
 To adopt the most current requirements of the U.S. Department of Health and Human Services, Public Health Service, and Food and Drug Administration for interstate shipments of Grade A milk and milk products, this rulemaking will also incorporate the most current version of the supporting documents currently incorporated by reference in IDAPA 02.04.08. The latest version of the following documents will be incorporated by reference into IDAPA 02.04.08: 1) 2011 Pasteurized Milk Ordinance, 2) 2011 Methods of Making Sanitation Ratings of Milk Shippers, 3) 2011 Evaluation of Milk Laboratories, and 4) 2011 Procedures Governing the Cooperative State Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments.  
  
 The bacteria plate count and the somatic cell count standards of raw milk for pasteurization set forth in the Pasteurized Milk Ordinance will not be incorporated by reference in the proposed rule. Idaho Code § 37-314 requires that the bacteria plate count standard will be set at 80,000 per mL, and this will be the standard set forth in IDAPA 02.04.08. As for the somatic cell count standard, the Idaho Dairymen's Association ("IDA"), and the Idaho Milk Processors Association (IMP) requested that the Idaho State Department of Agriculture amend the existing somatic cell count standard in an effort to meet standards for international trade, as well as reduce risk of residues and potential pathogens, and enhance quality standards of milk and dairy products. The IDA and the IMP requested that the somatic cell count standard be set at 400,000 per mL, which is the same as the international standard. The new somatic cell count standard will be more stringent than the current standard of 500,000 per mL.

This is a temporary and proposed rulemaking with an effective date of June 1, 2012, because new Grade A milk quality

standards for international trade standards was in effect on January 1, 2012. These changes will benefit the dairy industry and consumers of milk and milk products. The changes to the milk quality standards will prepare the dairy industry to meet the more stringent milk quality requirements in the international market.

**Proposed Rule Changes (Summary Only):**

This rulemaking will incorporate by reference the following documents in IDAPA 02.04.08: (1) 2011 version of the Pasteurized Milk Ordinance, (2) 2011 version of the Methods of Making Sanitation Ratings, (3) 2011 version of the Procedures Governing the Cooperative State Public Health Service/Food and Drug Administration, and (4) the 2011 version of the Evaluation of Milk Laboratories. The somatic cell count standard will be set at 400,000 per mL. The bacteria plate count standard will remain at 80,000. The rule also requires milk from other states that are processed in Idaho meet the Idaho standard.

**Interest Group(s) or Citizens Affected:**

Citizens of Idaho; dairy industry, and consumers of milk and dairy products.

**Section 3 (DFM Use Only)**

**DFM Analyst Comments:**

Proposed and temporary rules adopting the most current requirements of the U.S. Department of Health and Human Services, Public Health Service, and Food and Drug Administration for interstate shipments of Grade A milk and milk products.

**DFM Analyst Fiscal Impact Review:**

No fiscal impact.

**DFM Analyst Signature & Date:**  
D. Keith Reynolds 04/02/12

**Recommend:**  
 Yes  No

**Gov Special Assistant Signature & Date:**  
Bonnie Butler 04/02/12

**Recommend:**  
 Yes  No

**DFM Administrator Signature & Date:**

 4/2/12

**Approval:**  
 Yes  No

**Section 4 ( To Be Completed By DFM PARF Coordinator )**

	Date	Days
Received by DFM from Agency	3/16/2012	0
Received by DFM Analyst from Coordinator	3/16/2012	0
Received by Coordinator from Analyst	4/2/2012	17
Received by Governor's Special Assistant from Coordinator	4/2/2012	0
Received by Coordinator from Governor's Special Assistant	4/2/2012	0
Received by DFM Administrator	4/2/2012	0

Return via email to: [info@dfm.idaho.gov](mailto:info@dfm.idaho.gov)