



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: Idaho State Department of Agriculture		STARS Agency Code: 210	Fax Number: (208) 334-2170	Date: 05/03/2012
Contact Person: Brandon Lamb	Title: Organic Program Manager	Phone: (208) 332-8675	Email: brandon.lamb@agri.idaho.gov	
Person Authorizing Rule: Brian Oakey	Title: Deputy Director	Phone: (208) 332-8500	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):
Idaho Code 22-1103 (01)

Title, Chapter, and Possible Docket (IDAPA) Number:
IDAPA 02.06.33, Organic Food Product Rules

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):

Provide a fiscal impact statement, both positive and negative, by fund source for all programs affected:
 The Organic Program Food Fund 0332-10 will receive estimated increased revenues of \$10,000 to \$20,000 per year if this Rule is implemented. The purpose of the fee is to pay for the cost of staff time and related operating expenses necessary to review and approve materials to be included on a published list of branded approved materials to be used in organic production, processing, or handling. The program receives between 10 and 15 requests per year for these services from material suppliers.

Need for Proposed Rule Change:
 ISDA is proposing a new updated Idaho certified organic seal for use on certified organic products. The new seals have fewer colors than the existing seal, and will be less expensive to reproduce. Industry has requested this change, and has indicated that they forego using the existing seal because it is expensive to print.

Also, the organic food industry and material suppliers to organic industry have requested that ISDA develop 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 Food Program. ISDA has determined that it is appropriate to set forth the requirements and standards for the materials review process in administrative rule.

Proposed Rule Changes (Summary Only):
 Negotiated rule making will be conducted with Idaho Organic Food Advisory Council and interested parties. It is anticipated that the rule changes will adopt new seals, set the standards for the Idaho Organic Food Program to review and approve materials for organic use in compliance with the federal National Organic Program, and establish fees for material reviews and use of the designated seal.

Interest Group(s) or Citizens Affected:

Certified organic producers, processors, and handlers, and persons and companies that supply materials to them.

Section 3 (DFM Use Only)**DFM Analyst Comments:**

This PARF is to update the Organic Food Program and update the Idaho certificate seal to be used on organic products. This has been a request from industry for Agriculture to update their organic food operations and provide this service.

The Department will be conducting negotiated rulemaking with the Idaho Organic Food Advisory Council and interested parties.

DFM Analyst Fiscal Impact Review:

This will increase revenue for the Department if this rule is implemented.

DFM Analyst Signature & Date:

Anita Hamann May 11, 2012

Recommend:

Yes No

Gov Special Assistant Signature & Date:

Bonnie Butler 5/11/12

Recommend:

Yes No

DFM Administrator Signature & Date:

 5/11/12

Approval:

Yes No

Section 4 (To Be Completed By DFM PARF Coordinator)

	Date	Days
Received by DFM from Agency	5/9/2012	0
Received by DFM Analyst from Coordinator	5/9/2012	0
Received by Coordinator from Analyst	5/11/12	2
Received by Governor's Special Assistant from Coordinator	5/11/2012	0
Received by Coordinator from Governor's Special Assistant	5/11/2012	0
Received by DFM Administrator		

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