



Tracking #: A210-2018-1
Status: DFM Analyst: Recommended 04/04/18
 Gov's Office: Recommended 04/06/18
 DFM Admin: Approved 04/06/18

Administrative Rules Request Form

Agency Name: Agriculture, Department of	Submitted on: 03/27/2018
Primary Contact: Pamela Juker Phone: 208-332-8671	Email: pamela.juker@isda.idaho.gov
Secondary Contact: Phone:	Email:
Person Authorizing Rule: Brian Oakey Phone: 208-332-8500	Email: Brian.Oakey@ISDA.Idaho.gov
Statutory Authority for the rule making (Idaho Code, Federal Statute or Regulation): Title 22 Chapter 54 (HB0537)	
Title, Chapter, and Possible Docket (IDAPA) Number: 02.05.01	
This rule is: <input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Temporary <input type="checkbox"/> Proposed/Temporary	Effective Date:
Agency has determined according to Idaho Code 67-5220(1): <input checked="" type="checkbox"/> This rule is to be negotiated Agency certifies that the rule : <input type="checkbox"/> has been <input checked="" type="checkbox"/> will be negotiated with interested persons as outlined in Idaho Code 67-5220(3). <input type="checkbox"/> Negotiation of this rule is not feasible <input type="checkbox"/> Rule is temporary; or <input type="checkbox"/> Lack of identifiable representatives of affected interests; or <input type="checkbox"/> Rule is simple in nature; or <input type="checkbox"/> Affected interests are not likely to reach consensus; or <input type="checkbox"/> Other.	
Please explain:	
Provide a fiscal impact statement for all programs affected. Be sure to reflect both positive and negative impacts and to include all fund sources including both the General Fund and dedicated funds: This program is funded entirely by a federal grant.	
Provide a short explanation of the need for this rule: 2018 legislation was signed into law giving the ISDA authority to perform on-farm inspections subject to the Food Safety Modernization Act Produce Safety Rule.	
Does this rule adopt amendments to materials previously incorporated by reference? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Filename:	
Provide a short summary of the changes this rule makes: The Produce Safety Rule is part of the new FDA Food Safety Modernization Act (FSMA) and establishes science-based minimum standards for the safe growing, harvesting, packing, and holding of fruits and vegetables grown for human consumption. These minimum standards were developed to ensure the safe production and harvesting of produce by domestic and foreign farms. As of January 26, 2016, this federal rule is in effect and compliance dates for some parts of the rule are already underway, with full compliance for many farms starting in January 2018. This is the first time in history that food safety has been regulated at the production farm level. ISDA formed a FSMA advisory committee in 2015 to help provide leadership and guidance to Idaho agencies on the implementation of the FSMA rules. In 2017, this advisory committee submitted a proposal to the Director of the ISDA recommending state implementation of the rule. Subsequently, a statute providing for the regulatory authority was introduced and passed during the 2018 Legislative Session. This statute authorizes ISDA to promulgate rules, implementing the provision. House Bill No. 537 (2018).	
Provide a list of those persons or interested group(s) affected by the rule: Industries who grow, harvest, pack or hold produce generally consumed raw.	
DFM Analyst: Amber Christofferson Recommendation: <input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Pending Date: 04/04/2018	
Comments: In coordination with the law passed during the 2018 Legislative Session, this allows the ISDA to promulgate the Produce Safety Rule in Idaho.	

Fiscal Impact Comments:

There is no General Fund impact.

Special Assistant: Katrine Franks

Recommendation: Recommended Not Recommended

Date: 04/06/2018

Comments:

After the passing of 2018 legislation in accordance with FSMA, the ISDA will promulgate rules regarding produce safety with stakeholders. Proceed.

DFM Administrator Action:

04/06/2018

- Authorized to Advance to Rulemaking Process, DFM to review draft rule prior to publication
- Approved Not Approved