



**Tracking #: A210-2018-9**  
**Status:** DFM Analyst: Recommended 05/01/18  
 Gov's Office: Recommended 05/01/18  
 DFM Admin: Approved 05/02/18

## Administrative Rules Request Form

<b>Agency Name:</b> Agriculture, Department of	<b>Submitted on:</b> 05/01/2018
<b>Primary Contact:</b> Scott Leibsle DVM <b>Phone:</b> 208-332-8540	<b>Email:</b> scott.leibsle@isda.idaho.gov
<b>Secondary Contact:</b> <b>Phone:</b>	<b>Email:</b>
<b>Person Authorizing Rule:</b> Brian Oakey <b>Phone:</b> 208-332-8500	<b>Email:</b> Brian.Oakey@ISDA.Idaho.gov
<b>Statutory Authority for the rule making (Idaho Code, Federal Statute or Regulation):</b> Title 37, Chapter 6, Idaho Code	
<b>Title, Chapter, and Possible Docket (IDAPA) Number:</b> 02.04.14	
<b>This rule is:</b> <input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Temporary <input type="checkbox"/> Proposed/Temporary	<b>Effective Date:</b>
<b>Agency has determined according to Idaho Code 67-5220(1):</b>  <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.	
<b>Please explain:</b>	
<b>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:</b>  No fiscal impact.	
<b>Provide a short explanation of the need for this rule:</b>  ISDA received a petition from the Milk Producers of Idaho and the Idaho Farm Bureau to open and negotiate a rule change.	
<b>Does this rule adopt amendments to materials previously incorporated by reference?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>Filename:</b>	
<b>Provide a short summary of the changes this rule makes:</b>  Last year Phosphorus Indexing became the standard with Phosphorus Threshold being phased out in five years. The petition requests that the rule make the Phosphorus Threshold standard a permanent option for producers to choose as to how to regulate nutrient application on their facility.	
<b>Provide a list of those persons or interested group(s) affected by the rule:</b>  Dairy Producers, Environmental Interest Groups	
<b>DFM Analyst:</b> Amber Christofferson <b>Recommendation:</b> <input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Pending <b>Date:</b> 05/01/2018	
<b>Comments:</b> This rule allows the Phosphorus Threshold standard to be a permanent option for producers to regulate nitrogen application on their facility.	
<b>Fiscal Impact Comments:</b> There is no fiscal impact to the State.	

**Special Assistant:** Katrine Franks

**Recommendation:**  Recommended  Not Recommended

**Date:** 05/01/2018

**Comments:**

Would allow for producers to use the Phosphorus Threshold instead of the new Phosphorus Index permanently. This was petitioned by producers. Proceed.

**DFM Administrator Action:** 05/02/2018

Authorized to Advance to Rulemaking Process, DFM to review draft rule prior to publication

Approved  Not Approved