



**Tracking #: A210-2018-5**  
**Status:** DFM Analyst: Recommended 04/20/18  
 Gov's Office: Recommended 04/30/18  
 DFM Admin: Approved 05/01/18

## Administrative Rules Request Form

<b>Agency Name:</b> Agriculture, Department of	<b>Submitted on:</b> 04/20/2018
<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> W. Dallas Burkhalter <b>Phone:</b> 208-332-8508	<b>Email:</b> dallas.burkhalter@isda.idaho.gov
<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 5, Idaho Code	
<b>Title, Chapter, and Possible Docket (IDAPA) Number:</b> 02.04.09	
<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> The current language in multiple sections within the rule is confusing and has led to differing interpretations as to how the program should operate. The goal is to clarify all of these sections. To provide clarification to term definitions, short term and long term testing standards, and re-certification procedure for labs that are not compliant with these testing standards.	
<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> Define the term 'Rolling 13'; establish well defined testing standards for short and long term performance; clearly define the protocol for how labs that are non-compliant with the rule standards (and lose their certification) are evaluated and subsequently earn back their certification.	
<b>Provide a list of those persons or interested group(s) affected by the rule:</b> Dairy Processing Plants, Dairy Component Labs, Dairy Producers	
<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> 04/20/2018
<b>Comments:</b>	
<b>Fiscal Impact Comments:</b> There is no fiscal impact to the State.	

**Special Assistant:** Katrine Franks

**Recommendation:**  Recommended  Not Recommended

**Date:** 04/30/2018

**Comments:**

Goal is clarify testing requirements for dairy labs and protocols on how a lab would lose licensing and what it would have to do to get their license back. Current language in rule is unclear and creating confusion. Proceed.

**DFM Administrator Action:** 05/01/2018

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

Approved  Not Approved