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**Cc:** [Janis Perry](mailto:Janis.Perry); [Brian Oakey](mailto:Brian.Oakey)  
**Subject:** ISDA Rulemaking - Dairy Byproduct  
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Stakeholders –

Thank you again for your participation in last week’s negotiated rulemaking meeting for Rules Governing Dairy Byproduct. The minutes for the meeting have been posted on the ISDA website, under the rulemaking section, for your convenience. As you recall from the meeting, we were unable to reach a consensus as to whether to move forward with the “sunset clause removal” portion of the rulemaking or to roll it over to the 2020 Legislative Session with the “soil test margin-of-error” and “updated nutrient management standard” issues. So that each side of the issue is given appropriate consideration before making a final decision, the Department is requesting that all stakeholders (Farm Bureau, MPI, IDA and ICL) submit a written response to ISDA justifying their position on why the “sunset clause” petition should (or should not) proceed in the current rulemaking for the 2019 Legislature and be considered separate and apart from developing an updated nutrient management standard (NMS). If your desire is to move forward with the sunset clause removal this year, please justify how the industry/stakeholders will benefit from this and identify which NMS will be associated with the phosphorus threshold (NRCS 590 - 1999 version or 2013 version) once the sunset clause is removed and how it will be a defensible industry standard. Issues to consider in your response are the current landscape of environmental regulation of dairies (i.e. – Yakima lawsuit) as well as the impact it will have upon the regulated dairy community. If your desire is to roll the sunset clause petition over to the 2020 Legislature, please justify how the industry/stakeholders will benefit from this and describe your expectations for developing a new NMS (i.e. – which issues should be addressed/updated). Issues to consider in your response are the time frame in which you anticipate will be necessary to develop a new NMS for the dairy industry and the impact this may have on the regulated dairy community.

Please provide your written response to me no later than close of business on Friday, July 20, 2018. Once the written statements are received, the Department will consider each stakeholder’s position and make a final determination. Since a consensus was reached on the “soil test margin-of-error” petition to roll the issue over to the 2020 Legislature, it is not necessary to address this matter in your written statements. If you have questions, please feel free to contact me anytime. Thank you.

**Scott R. Leibsle DVM, DABVP**

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