



**Idaho State Department of Agriculture**

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**C.L. "BUTCH" OTTER**, GOVERNOR

**CELIA R. GOULD**, DIRECTOR

August 13, 2018

Re: IDAPA 02.01.04 - Rules Governing the Idaho Preferred Promotion Program

### Introduction

The Idaho State Department of Agriculture (ISDA) received a petition to enter into negotiated rulemaking to modify IDAPA 02.01.04, Rules Governing the Idaho Preferred Promotion Program. The Idaho Wine Commission requested that the requirements for wineries to qualify for Idaho Preferred be changed from 95% to 75% Idaho grapes. The request for rulemaking was approved and the ISDA hosted an informal negotiated rulemaking meeting on June 26, 2018. The ISDA also solicited written comments and seven individuals or organizations submitted written comments as part of the negotiated rulemaking.

### Rulemaking Authority

The ISDA has authority to promulgate rules implementing the Idaho Preferred Promotion Program pursuant to Idaho Code § 22-112.

### Negotiated Rulemaking

The ISDA hosted a negotiated rulemaking meeting on June 26, 2018. The ISDA also received written comments from seven different individuals and organizations. Written comments received were nearly all opposed to changing the requirements for wineries to qualify for Idaho Preferred citing concerns about diluting the value of the Idaho Preferred brand.

### Analysis

As a result of the comments opposing the proposed changes to the Rules Governing the Idaho Preferred Promotion Program, the Idaho Wine Commission decided to withdraw their petition for negotiated rulemaking. Therefore, the ISDA will not propose a rule in 2018 pursuant to the Idaho Wine Commission's petition.

A handwritten signature in blue ink, appearing to read "Brian J. Oakey".

Brian J. Oakey  
Deputy Director