



**Tracking #:** A210-2019-16  
**Status:** DFM Analyst: Recommended 05/22/19  
 Gov's Office: Recommended 05/23/19  
 DFM Regulatory: Recommended 05/28/19  
 DFM Admin:

## Administrative Rules Request Form

<b>Agency Name:</b> Agriculture, Department of	<b>Submitted on:</b> 05/22/2019
<b>Primary Contact:</b> Laura Thomas <b>Phone:</b> 208-332-8672	<b>Email:</b> Laura.thomas@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>State or Federal Statute that Authorizes this Rule:</b> Idaho Code Sections 22-702, 22-703, 22-704, 22-705, and 22-706	
<b>IDAPA, Title, Chapter, and Section Number(s) (e.g. - 35.01.02.028):</b> 02.02.05 Prune Standards, Section .050 and .100	
<b>Administrative Bulletin for Publication:</b> July 2019	
<b>This rule is:</b> <input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Temporary	
<b>Under the Red Tape Reduction Act (Executive Order 2019-02), this rulemaking (select all that apply):</b>	
<input type="checkbox"/> Increases regulatory requirements <input type="checkbox"/> Decreases regulatory requirements <input checked="" type="checkbox"/> Neither Increases nor decreases regulatory requirements <input type="checkbox"/> Qualifies for an exemption	
<b>Agency has determined, according to Idaho Code 67-5220(1), that</b>	
<input checked="" type="checkbox"/> This rule will be negotiated with interested persons as outlined in Idaho Code 67-5220(3) <input type="checkbox"/> Negotiation of this rule is not feasible	
<b>Provide a short summary of the changes this rule makes:</b>	
The rule need updating to the most current grade standard for inspecting prunes.	
<b>Why is this rule needed? What prompted this request?</b>	
This rule referenced outdated standards.	
<b>List any affected parties and potential concerns they may have with this rule. How will the agency involve these parties in the negotiated rulemaking process?</b>	
Fruit packers have requested an Idaho grade inspection. ISDA will reach out to the packers regarding this change.	
<b>Provide the projected fiscal impact for all programs affected, including both positive and negative impacts to all fund sources (General, dedicated and federal):</b>	
The ISDA does not anticipate a fiscal impact to either general fund or dedicated funds with this rule change.	
<b>What impact will this rule have on the competitiveness of businesses and individuals?</b>	
In addition to US Grade Standards for plums and prunes, the industry has requested a second less stringent standard. The Idaho rules utilize US Grade Standards for plums and prunes which was updated in 2004. This standard as a ceiling standard and additional defects are allowed under Idaho rule in order to use the Idaho grade.	
<b>DFM Analyst:</b> David Hahn	<input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <b>Date:</b> 05/22/2019
<b>Comments:</b>	
This rule will update standards.	
<b>Fiscal Impact Comments:</b>	
There is no known fiscal impact.	

<b>Final Draft Review Analyst Recommendation:</b>		<input type="checkbox"/> Recommended	<input type="checkbox"/> Not Recommended	<b>Date:</b>
<b>Governor's Office:</b>	Sam Eaton	<input checked="" type="checkbox"/> Recommended	<input type="checkbox"/> Not Recommended	<b>Date:</b> 05/23/2019
<b>Comments:</b>				
<b>DFM Regulatory Review:</b>		<input checked="" type="checkbox"/> Recommended	<input type="checkbox"/> Not Recommended	<b>Date:</b> 05/28/2019
<b>Comments:</b>				
Just a reminder to be reviewing current rules, and to draft all proposed rules to be clear and concise. Once the proposed rule language is submitted we will be doing a review under the Red Tape Reduction Act. That is where the word count will be checked against any cuts and reduction of administrative rules.				
<b>DFM Administrator Action:</b> Alex Adams				
<b>Negotiation of proposed rule:</b>		<input checked="" type="checkbox"/> Authorized to begin negotiated rulemaking	<input type="checkbox"/> Not Approved	<b>Date:</b> 06/07/2019
How often is the lower quality Idaho standard used per year relative to the USDA standard? Since the original rule appears to have not been updated since the 1960s, does having a lower Idaho standard conflict with messaging of a more recent Idaho Preferred program?				
<b>Final Approval:</b>		<input type="checkbox"/> Approved	<input type="checkbox"/> Not Approved	<b>Date:</b>
<b>Comments:</b>				
<b>Are the projected fiscal impact and business impact statements still accurate?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No				