



**Tracking #: A210-2019-13**  
**Status:** DFM Analyst: Recommended 04/22/19  
 Gov's Office: Recommended 05/02/19  
 DFM Regulatory: Recommended 05/03/19  
 DFM Admin:

## Administrative Rules Request Form

<b>Agency Name:</b> Agriculture, Department of	<b>Submitted on:</b> 04/17/2019
<b>Primary Contact:</b> Jeremy Varley <b>Phone:</b> 208-332-8667	<b>Email:</b> Jeremy.Varley@isda.idaho.gov
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<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 22-2403	
<b>IDAPA, Title, Chapter, and Section Number(s) (e.g. - 35.01.02.028):</b> 02.06.31 numerous sections	
<b>Administrative Bulletin for Publication:</b> June 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>	
ISDA has a Noxious Weed Free, Forage & Straw (NWFFS) certification program. ISDA is a member of the national organization, North American Invasive Species Management Association (NAISMA). This organization has a national standard for certification of forage and straw which ISDA incorporated into its NWFFS certification program in 2007. In October of 2018, this organization voted to change the name of its Weed Free Forage Certification program from "North American" to "NAISMA". ISDA needs to update its NWFFS rules to reflect those changes. The word "straw" has been added multiple times to address that the fact that straw is made into twice compressed bales, in addition to conventional straw bales. ISDA is seeking to incorporate by reference the NAISMA prohibited weed list. In addition to the proposed changes, IDAPA 02.06.31 will be reviewed for amendment or repeal of select sections in order to comply with Gov. Little's Executive Order 2019-02, Red Tape Reduction Act.	
<b>Why is this rule needed? What prompted this request?</b>	
Federal lands in Idaho have a requirement that if a person possesses forage or straw on these lands, it must be certified noxious weed free. Examples of this: Constituents and outfitters that recreate or operate their business on Federal land and businesses that rehabilitate Federal land with straw. This request was prompted by the recognition that four (4) Idaho businesses could be affected by the name change of the NAISMA Weed Free Forage Certification Program.	
<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>	
The four (4) companies in Idaho that remanufacture forage and straw will have to modify (two words) the labeling on their products if this rule is approved. ISDA will contact these companies as well as the Idaho Association of Weed Control Superintendents, Idaho Weed Control Association, USFS, and BLM for their input.	
<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>	
No fiscal impact.	
<b>What impact will this rule have on the competitiveness of businesses and individuals?</b>	
This rule change could have an impact on the competitiveness of the businesses that manufacture these products, if they have to change labeling.	

<b>DFM Analyst:</b>	Amber Christofferson	<input checked="" type="checkbox"/> Recommended	<input type="checkbox"/> Not Recommended	<b>Date:</b> 04/22/2019
<b>Comments:</b>	This is incorporating by reference the NAISMA and will provide for technical corrections,			
<b>Fiscal Impact Comments:</b>	This will be subject to standard rulemaking expenditures.			
<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> 05/02/2019
<b>Comments:</b>	This updates references and name changes.			
<b>DFM Regulatory Review:</b>	Colby Cameron	<input checked="" type="checkbox"/> Recommended	<input type="checkbox"/> Not Recommended	<b>Date:</b> 05/03/2019
<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> 05/03/2019
<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	