IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.04.14 - RULES GOVERNING DAIRY BYPRODUCT

DOCKET NO. 02-0414-1801 (OAR may reassign?)

(THIRD) NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 37-603 Idaho Code.

MEETING SCHEDULE: A negotiated rulemaking meeting(s) has been scheduled. Additional meetings may be scheduled and will be posted on the ISDA website.

MEETING SET FOR PUBLIC PARTICIPATION
VIA TELEPHONE AND WEB CONFERENCING
Tuesday, June 16, 2020 - 10 a.m. to 11:30 a.m.

Contact Janis.perry@isda.idaho.gov to make arrangements for participation by telephone and web conferencing.

On March 25, 2020, Governor Little issued a Proclamation declaring an emergency and taking steps to reduce and slow the coronavirus spread. In compliance with the Proclamation and Stages of Reopening, ISDA will hold this meeting via telephone and web conferencing.

METHOD OF PARTICIPATION: Those interested in participating in the negotiated rulemaking process are encouraged to attend the scheduled meeting via telephone and web conferencing. Individuals interested in participating by telephone and web conferencing should contact Janis.perry@isda.idaho.gov. For those who cannot participate by attending the meeting, information for submitting written comments is provided below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

This rule change is a continuation of rulemaking from 2019. The remaining issues to be negotiated are 1) to finalize language in the Dairy Nutrient Management Standard pertaining to the maximum soil phosphorus level allowable before producers using phosphorus threshold would be required to transition to phosphorus indexing (aka “trigger point”); 2) determine if a soil margin of error is necessary or feasible if a “trigger point” is implemented; and 3) determine if the penalty provisions of the rule need to be revised to better coincide with the other negotiated changes.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:
For assistance on technical questions concerning this negotiated, contact Dr. Scott Leibisle, Deputy Administrator – Division of Animal Industries at scott.leibisle@isda.idaho.gov or (208) 332-8540. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the ISDA web site (www.agri.idaho.gov/rulemaking).

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 30, 2020.

DATED this 30th day of April, 2020

Brian J. Oakey, Deputy Director
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