

**IDAHO STATE DEPARTMENT OF AGRICULTURE ("ISDA")
PETITION TO INITIATE RULEMAKING**

All rulemaking petitions must substantially comply with IDAPA 04.11.01.820, which addresses petitions to initiate rulemaking as described by Section 67-5230, Idaho Code. The requirements have been laid out below. ISDA will consider all petitions and act to either initiate or deny rulemaking in accordance with I.C. § 67-5230(1) and IDAPA 04.11.01.821.

Please note that ISDA may only conduct rulemaking within the authority provided it by statute in order to govern the department's jurisdiction. *See* I.C. § 22-101(3). Prior to petitioning ISDA, please verify and understand the authority of ISDA as it relates to the petition's desired outcome. If a petition for rule change is outside of ISDA's legal authority, it will be denied.

Name of petitioner(s): _____

Address of petitioner: _____

Phone number of petitioner: _____

Email address of petitioner: _____

Petitioner's interest in matter:

Describe the nature of the rule or amendment to the rule and the petitioner's suggested rule or amendment: _____

Name of the statute, order, rule or other controlling law:

Factual allegations upon which the petitioner relies to support the proposed rulemaking:

Citations of cases and/or statutory provisions that apply (optional):

Idaho State Department of Agriculture (“ISDA”) Petition to Initiate Rulemaking

Name of petitioner(s): Brian Brooks, Executive Director, Idaho Wildlife Federation

Address of petitioner: 1020 W Main Street, Suite 450, Boise, ID 83702

Phone number of petitioner: (208)342-7055

Email address of petitioner: bbrooks@idahowildlife.org

Petitioner’s interest in matter:

As Idaho’s oldest and largest sporting organization, IWF has a long history in advocating for the health and viability of our state’s wild deer and elk populations. Chronic Wasting Disease poses an immediate and long-term threat to both domestic and wild cervid populations. IWF is committed to minimizing these threats to the greatest extent practicable.

Describe the nature of the rule or amendment to the rule and the petitioner’s suggested rule or amendment:

IWF petitions ISDA to increase surveillance for Chronic Wasting Disease by amending IDAPA 02.04.19, Section 500.02 to reflect the following language:

“Brain tissue from one hundred percent (100%) of all domestic elk and reindeer sixteen (16) months of age or older that die for any reason on a facility will be required to be tested for CWD for a period of sixty (60) months under the following conditions:

a. A facility is within twenty-five (25) miles from a confirmed case of CWD in wild cervids.

ab. A facility has imported cervids from a location within twenty-five (25) miles from a confirmed case of CWD in wild cervids.

bc. A facility has received cervids via intrastate movement from a facility under enhanced CWD surveillance requirements at the time of the transfer.

ed. The duration of the enhanced CWD surveillance requirements are based upon the most recent date of movement that meets the criteria listed in this section.”

Name of statute, order, rule or other controlling law:

IDAPA 02.04.19. Rules Governing Domestic Cervidae

Section 500. Surveillance for CWD. Subsection 02. Enhanced Surveillance.

Factual allegations upon which the petitioner relies to support the proposed rulemaking:

Chronic Wasting Disease was detected in wild cervids for the first time in Idaho in Fall 2021. ISDA finalized the negotiated rulemaking for Rules Governing Domestic Cervidae before this detection in the wild was confirmed. Current rules only require enhanced surveillance and testing relating to interstate transport and therefore CWD from outside of Idaho’s borders. Current rules do not consider the threat of CWD transmission from wild animals already in Idaho into domestic facilities. Artificial congregation and movement of domestic cervids as well as interaction between wild and domestic cervids will continue to facilitate the spread of CWD. It is necessary for ISDA to increase surveillance efforts for CWD in domestic cervidae now that it is present within Idaho’s borders.

Citations of cases and/or statutory provisions that apply (optional):