

## 02.06.02 – RULES GOVERNING REGISTRATIONS AND LICENSES

### 000. LEGAL AUTHORITY.

~~This chapter is adopted under the legal authority of~~ Sections 22-604, 22-2204, 22-2303(5), 22-2503, 22-2511, and 25-2710, Idaho Code. ( )

### 001. ~~TITLE AND SCOPE.~~

~~01. Title. The title of this chapter is IDAPA 02.06.02, “Rules Governing Registrations and Licenses.”~~ ( )

~~012. Scope. These rules specify general commercial feed, fertilizer, and soil and plant amendment product registration and label requirements, and provide inspection authorities. These rules establish a fee schedule for special nursery and florist services and set forth conditions under which a shipping permit will be issued. These rules are also to prevent the introduction or further dissemination of certain bee diseases and establish registration and collection of fees by providing authority to enter, inspect, and control bee pests and levy penalties.~~ ( )

### 002. -- 103. (RESERVED)

## SUBCHAPTER A – COMMERCIAL FEED

### 104. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into this Subchapter A: ( )

01. **The Association of American Feed Control Officials (AAFCO) Official Publication.** The Terms, Ingredient Definitions, Model Bill and Regulations, and Policies as published in the “~~2022~~2021 Official Publication” of AAFCO where those ~~terms and ingredient definitions, and policy~~ statements do not conflict with ~~terms and ingredient definitions, and policy statements adopted under~~ Title 25, Chapter 27, Idaho Code, and any rule promulgated thereunder. A copy may be purchased online from the AAFCO website at: [www.aafo.org](http://www.aafo.org). ( )

02. **The Merck Index.** The “Merck Veterinary Manual, 11<sup>th</sup> Edition”~~“2013 Merck Index,” 15<sup>th</sup> Edition~~, as published by Merck Research Laboratories Division of Merck & Co., Incorporated. ~~The Merck Index is a copyrighted publication and not available in an electronic format. The manual is publicly available. A copy may be purchased~~ online from Merck & Co., Inc at: <http://www.rsc.org/merckindex>. ( )

### 105. -- ~~114~~109. (RESERVED)

### ~~110. DEFINITIONS AND TERMS.~~

~~In addition to the definitions found in Section 25-2703, Idaho Code, the following definitions apply in the interpretation and enforcement of Subchapter A only:~~ ( )

~~01. All Life Stages. Gestation/lactation, growth, and adult maintenance life stages.~~ ( )

~~02. Family. A group of products, which are nutritionally adequate for any or all life stages based on their nutritional similarity to a lead product, that has been successfully test fed according to an AAFCO feeding protocol(s).~~ ( )

~~03. Hay. The aerial portion of grass or herbage especially cut, cured and baled or stacked for animal feeding, without further processing.~~ ( )

~~04. Immediate Container. The unit, can, box, tin, bag, or other receptacle or covering in which a pet food or specialty pet food is displayed for sale to retail purchasers, but does not include containers used as shipping~~

~~containers. ( )~~

~~05. **Ingredient Statement.** A collective and contiguous listing on the label of the ingredients of which the pet food or specialty pet food is composed. ( )~~

~~06. **Principal Display Panel.** The part of a label that is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale and may include the front, back, or side panels of the package. ( )~~

~~07. **Viable Noxious Weed Seed.** Any seed or propagule of a noxious weed, as identified or listed by Title 22, Chapter 24, Idaho Code, or any rules promulgated thereunder, that has not been ground fine enough or otherwise treated to destroy the ability to germinate. ( )~~

~~111. -- 114. (RESERVED)~~

## 115. REGISTRATION AND FEES.

01. **Product Registration Fee.** Whenever a commercial feed is registered for distribution in the state of Idaho, a fee of forty dollars (\$40) per product will be collected. ( )

~~a. The Department will utilize these funds for the operation of all program activities, including but not limited to, registration, label review, inspection and sampling, and laboratory analysis. ( )~~

~~b. The fee will be set by the Department such that all costs associated with the commercial feed program will be covered by the registration fee without the need for additional state general or dedicated funding. ( )~~

02. **Product Registration Fee Exemption.** Sellers who are not regularly engaged in the business of manufacturing or selling commercial feed and whose total amount of gross annual sales does not exceed five hundred dollars (\$500) are exempt from payment of the registration fee. This registration fee exemption does not exempt anyone from other sections of Subchapter A and/or the Idaho Commercial Feed Law. However, the Department retains the right to inspect any feed in the possession of those persons exempted by Subsection 115.02 at any time. ( )

~~a. This exemption pertains to the registration fee only, and does not exempt a person or business from other sections of Subchapter A and/or the Idaho Commercial Feed Law. ( )~~

~~b. The Department reserves the right to review the records of sellers who are claiming or who have claimed that they are exempt from the payment of the registration fee, in order to ensure that they qualify for the exemption. ( )~~

~~c. The Department further reserves the right to conduct any and all inspections allowed under Section 25 2709, Idaho Code, in order to ensure compliance with Subchapter A and/or the Idaho Commercial Feed Law. ( )~~

116. -- 119. (RESERVED)

## 120. LABEL FORMAT.

01. **Label Format.** Commercial feeds shall be labeled with the information prescribed in Section 25-2705 of the Commercial Feed Law and Subchapter A on the principal display panel of the product and in the following general format. ( )

a. Net Weight. ( )

b. Product name and brand name if any. ( )

c. If a drug is used, the required directions for use and precautionary statements or reference to their location if the detailed feeding directions and precautionary statements appear elsewhere on the label. ( )

d. The guaranteed analysis of the feed as required under the provisions of Section 25-2705(1)(c) of the Commercial Feed Law includes the following items, unless exempted, and in the order listed: ( )

i. Minimum percentage of crude protein. ( )

ii. Maximum or minimum percentage of equivalent protein from non-protein nitrogen. ( )

iii. Minimum percentage of crude fat. ( )

iv. Maximum percentage of crude fiber. ( )

v. Minerals, to include, in the following order: minimum and maximum percentages of calcium (Ca), minimum percentage of phosphorus (P), minimum and maximum percentages of salt (NaCl), and other minerals. ( )

vi. Vitamins. ( )

vii. Total sugars as invert on dried molasses products or products being sold primarily for their sugar content. ( )

viii. Exemptions. Guarantees for minerals are not required when there are no specific label claims and when the commercial feed contains less than six and one-half percent (6 1/2%) of Calcium, Phosphorus, Sodium, or Chloride. Guarantees for vitamins are not required when the commercial feed is neither formulated for nor represented in any manner as a vitamin supplement. Guarantees for crude protein, crude fat, and crude fiber are not required when the commercial feed is intended for purposes other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements, and molasses. ( )

e. Feed ingredients, collective terms for the grouping of feed ingredients, or appropriate statements as provided under the provisions of Section 25-2705(1)(d) of the Commercial Feed Law shall be listed in decreasing order of predominance by weight: ( )

i. The name of each ingredient as defined in the AAFCO Official Publication ~~of the Association of American Feed Control Officials~~, common or usual name, or one approved by the Director. ( )

ii. Collective terms for the grouping of feed ingredients as defined in the Official Definitions of Feed Ingredients published in the AAFCO Official Publication ~~of the Association of American Feed Control Officials~~ in lieu of the individual ingredients; provided that when a collective term for a group of ingredients is used on the label, individual ingredients within that group shall not be listed on the label. The manufacturer shall provide the feed control official, upon request, with a list of individual ingredients within a defined group, that are or have been used at manufacturing facilities distributing in or into the state. ( )

~~iii. The registrant may affix the statement, "ingredients as registered with the State" in lieu of the ingredient list on the label. The list of ingredients must be on file with the Director. This list shall be made available to the feed purchaser upon request. ( )~~

~~f. Name and principal mailing address of the manufacturer or person responsible for distributing the feed. The principal mailing address shall include the street address, city, state, and zip code; however, the street address may be omitted if it is shown in the current city directory or telephone directory. ( )~~

~~g. The information required in Section 25-2705 of the Commercial Feed Law must appear in its entirety on the principal display panel of the container. ( )~~

~~h. Labeling shall include all statements and promotion on company websites or other internet based customer interfaces. ( )~~

~~02. Customer Formula Invoice and Tag Requirements. ( )~~

~~a. Bulk shipments of customer formula feed shall be accompanied by an invoice, delivery slip or other shipping documents identifying the shipment as customer formula feed and the name and address of the customer to whose order it is made. ( )~~

~~b. Bagged customer formula feed will be labeled with a tag identifying each bag as such. The total bags in each customer's shipment will be segregated from other bagged feed and identified with the name and address of the customer to whose order it is made. ( )~~

~~c. Nutritional guarantees and guarantees of other analytes, and a list of ingredients, in descending order of predominance by weight, of a customer formula feed may be used in lieu of specific weights or volumes of each ingredient, as required in Section 25-2705(2)(d)(1)(a), Idaho Code, when so ordered by the customer. ( )~~

~~02. Guidelines for "Human Grade" Claims. In order to substantiate that a "human grade" claim is truthful and not misleading, a manufacturer making such claims must have documentation as required in the AAFCO Official Publication. Submitted documentation will not be reviewed as part of the label approval process, excepting any legal question or action requiring such.~~

~~121. 124. (RESERVED)~~

~~125. BRAND AND PRODUCT NAMES.~~

~~01. Intended Use. The brand or product name must be appropriate for the intended use of the feed and must not be misleading. If the name indicates the feed is made for a specific use, the character of the feed must conform therewith. A mixture labeled "Dairy Feed," for example, must be suitable for that purpose. ( )~~

~~121426. -- 129. (RESERVED)~~

**130. EXPRESSION OF GUARANTEES.**

**01. Percentage by Weight.** The guarantees for crude protein, equivalent protein from non-protein nitrogen, crude fat, crude fiber and mineral guarantees (when required) will be in terms of percentage by weight. ( )

**02. Commercial Feeds.** Commercial feeds containing six and one-half percent (6 1/2%) or more Calcium, Phosphorus, Sodium or Chloride shall include in the guaranteed analysis the minimum and maximum percentages of calcium (Ca), the minimum percentage of phosphorus (P), and if salt is added, the minimum and maximum percentage of salt (NaCl). Minerals, except salt (NaCl) shall be guaranteed in terms of percentage of the element. When calcium and/or salt guarantees are given in the guaranteed analysis such shall be stated and conform to the following: ( )

**a.** When the minimum is five percent (5%) or less, the maximum will not exceed the minimum by more than one (1) percentage point. ( )

**b.** When the minimum is above five percent (5%), the maximum will not exceed the minimum by more than twenty percent (20%) and in no case shall the maximum exceed the minimum by more than five (5) percentage points. ( )

~~03. Vitamin Content. Guarantees for minimum vitamin content of commercial feeds and feed supplements, when made, shall be stated on the label in milligrams per pound of feed except that: ( )~~

~~a. Vitamin A, other than precursors of vitamin A, shall be stated in International or USP units per pound. ( )~~

~~b. Vitamin D, in products offered for poultry feeding, shall be stated in International Chick Units per pound. ( )~~

~~c. Vitamin D for other uses shall be stated in International or USP units per pound. ( )~~

~~d. Vitamin E shall be stated in International USP units per pound. ( )~~

~~e. Guarantees for vitamin content on the label of a commercial feed shall state the guarantee as true vitamins, not compounds, with the exception of the compounds, Pyridoxine Hydrochloride, Choline Chloride, Thiamine, and d Pantothenic Acid. ( )~~

~~f. Oils and premixes containing vitamin A or vitamin D or both may be labeled to show vitamin content in terms of units per gram. ( )~~

~~131. 134. (RESERVED)~~

~~135. NON PROTEIN NITROGEN.~~

~~01. Urea. Urea and other non protein nitrogen products defined in the Official Publication of the Association of American Feed Control Officials or by the Director are acceptable ingredients only in commercial feeds for ruminant animals as a source of equivalent crude protein. If the commercial feed contains more than eight and seventy five hundredths percent (8.75%) of equivalent crude protein from all forms of non protein nitrogen, added as such, or the equivalent crude protein from all forms of non protein nitrogen, added as such, exceeds one-third (1/3) of the total crude protein, the label shall bear adequate directions for the safe use of feeds and a precautionary statement: "CAUTION: USE AS DIRECTED." The directions for use and the caution statement shall be in type of such size so placed on the label that they will be read and understood by ordinary persons under customary conditions of purchase and use. ( )~~

~~02. Non Protein Nitrogen Defined. Non protein nitrogen defined in the Official Publication of the Association of American Feed Control Officials, when so indicated, are acceptable ingredients in commercial feeds distributed to non ruminant animals as a source of nutrients other than equivalent crude protein. The maximum equivalent crude protein from non protein nitrogen sources when used in non ruminant rations shall not exceed one and twenty five hundredths percent (1.25%) of the total daily ration. ( )~~

~~03. Labels for Medicated Feeds. On labels such as those for medicated feeds that bear adequate feeding directions and/or warning statements, the presence of added non protein nitrogen shall not require a duplication of the feeding directions or the precautionary statements as long as those statements include sufficient information to ensure the safe and effective use of this product due to the presence of non protein nitrogen. ( )~~

~~131136. -- 139. (RESERVED)~~

~~140. DRUG AND FEED ADDITIVES.~~

~~01. Satisfactory Evidence. Satisfactory evidence of safety and efficacy of a commercial feed may be: ( )~~

~~a. When the commercial feed contains such additives, the use of which conforms to the requirements of the applicable regulation in the Code of Federal Regulations, Title 21, or which are "prior sanctioned" or "generally recognized as safe" for such use; or ( )~~

~~b. When the commercial feed is itself a drug and is generally recognized as safe and effective for the labeled use or is marketed subject to an application approved by the Food and Drug Administration under Title 21 U.S.C. 360(b). ( )~~

~~131141. -- 144. (RESERVED)~~

~~145. ADULTERANTS.~~

~~01. Substances. For the purpose of Section 25 2707, Idaho Code, of the Commercial Feed Law, the terms "poisonous or deleterious substances" include, but are not limited to, the following: ( )~~

~~a. Fluorine and any mineral or mineral mixture that is to be used directly for the feeding of domestic animals and in which the fluorine exceeds two tenths percent (0.2%) for breeding and dairy cattle; three tenths percent (0.3%) for slaughter cattle; three tenths percent (0.3%) for sheep; thirty-five hundredths percent (0.35%) for lambs; forty-five hundredths percent (0.45%) for swine; and six tenths percent (0.6%) for poultry. ( )~~

~~b. Fluorine bearing ingredients when used in such amounts that they raise the fluorine content of the total ration (exclusive of roughage) above the following amounts: four thousandths percent (0.004%) for breeding and dairy cattle; nine thousandths percent (0.009%) for slaughter cattle; six thousandths percent (0.006%) for sheep; one hundredths percent (0.01%) for lambs; fifteen thousandths percent (0.015%) for swine and three hundredths percent (0.03%) for poultry. ( )~~

~~c. Fluorine bearing ingredients incorporated in any feed that is fed directly to cattle, sheep or goats consuming roughage (with or without) limited amounts of grain, that results in a daily fluorine intake in excess of fifty (50) milligrams of fluorine per one hundred (100) pounds of body weight. ( )~~

~~d. Soybean meal, flakes or pellets or other vegetable meals, flakes or pellets that have been extracted with trichlorethylene or other chlorinated solvents. ( )~~

~~e. Sulfur dioxide, Sulfurous acid, and salts of Sulfurous acid when used in or on feeds of feed ingredients that are considered or reported to be a significant source of vitamin B1 (Thiamine). ( )~~

~~0102. Screenings or By-Products. All screenings or by-products of grains and seeds containing weed seeds, when used in commercial feed or sold as such to the ultimate consumer, shall be ground fine enough or otherwise treated to destroy the viability of such weed seeds. ( )~~

~~03. Viable Noxious Weed Seed. Viable noxious weed seed as defined in Subsection 110.07. ( )~~

~~146. 149. (RESERVED)~~

~~150. ADOPTIONS AND PROMULGATION.~~

~~All rules heretofore adopted and promulgated August 16, 1971 pertaining to the Idaho Commercial Feed Law, Title 25, Chapter 27, Idaho Code, are hereby repealed, and are replaced by Subchapter A. ( )~~

~~151. 159. (RESERVED)~~

~~160. COTTONSEED.~~

~~01. Certification. Prior to entry into the state of Idaho all shipments of cottonseed or cottonseed seed products destined for animal feed shall be certified as having been sampled and analyzed and no greater amount than twenty (20) ppb of aflatoxin shall be contained within the product or products, except that cottonseed meal intended for use as an animal feed or feed ingredient for beef cattle, swine and poultry, may be certified to contain more than twenty (20) ppb but less than three hundred (300) ppb of aflatoxin. ( )~~

~~02. Storage Location and Destination. Whole cottonseed, cottonseed meal or cottonseed seed products entering the state certified to contain no greater than twenty (20) ppb aflatoxin, or cottonseed meal certified to contain more than twenty (20) ppb but less than three hundred (300) ppb aflatoxin shall be accompanied by the certification document aboard carrier, be identified with a storage location at destination, and the certification document shall be maintained on file at the shipment destination for no less than one (1) year. In the case of bulk rail~~

~~car shipments, the certification document shall accompany the invoice or bill of lading and be identified with a storage location at destination. The certification document shall be maintained on file at the shipment destination for no less than one (1) year. ( )~~

~~**03. Registration.** Idaho firms wishing to import into the state and/or handle cottonseed meal containing more than twenty (20) ppb but less than three hundred (300) ppb aflatoxin for distribution or sale shall register annually with the Department their intent to do so. Feedlots and other end user operations importing the cottonseed meal as defined above in this paragraph for their own use are exempted from registration requirement. The importing firm shall also register the cottonseed meal (if not already registered by another firm) with the Department and pay any applicable registration fees (Sections 25-2704, Idaho Code). As a condition of registration, firms importing and/or handling cottonseed meal certified to contain more than twenty (20) ppb but less than three hundred (300) ppb aflatoxin, shall enter into a compliance agreement with the Department agreeing to: ( )~~

~~**a.** Store and label cottonseed meal certified to contain more than twenty (20) ppb but less than three hundred (300) ppb aflatoxin separately from cottonseed meal certified to contain less than twenty (20) ppb aflatoxin; ( )~~

~~**b.** Inform the purchaser in writing of the certified aflatoxin level in the meal purchased; and ( )~~

~~**c.** Submit to periodic record and facility inspections, and product testing by the Department. ( )~~

~~**04. Certification Performance.** Required certification will be performed by any state government or Federal government engaged in this type of certification. In the event that a state government or Federal government laboratory is not available, an independent or company laboratory may upon request be approved by the Department. Requests and approval shall be made in advance of the shipment entering the state. ( )~~

~~161. -- 169. (RESERVED)~~

~~**170. COTTONSEED -- EXEMPTIONS.**~~

~~Cottonseed hulls are exempted from laboratory certification requirements as stated in Subsections 160.01 through 160.04, provided that, cottonseed hulls shall not contain greater than twenty (20) ppb aflatoxin as required by the U. S. Food and Drug Administration. Any invoice or bill of lading accompanying or sent in regard to a shipment of cottonseed hulls shall state the level of aflatoxin in parts per billion contained in the shipment. ( )~~

~~171. -- 179. (RESERVED)~~

~~**180. DETAINED COMMERCIAL FEEDS.**~~

~~**01. Stop Sale, Use, or Removal.** Any commercial feed or identified lot of commercial feed that is the subject of a "stop sale, use, or removal" order under Section 25-2711(1), Idaho Code, may be released from such an order by the following means: ( )~~

~~**a.** A commercial feed detained for nutritional violation(s) may be: ( )~~

~~**i.** Remanufactured, using ingredients listed on the approved label, to meet label guarantees. The remixed feed shall be resampled and analyzed to ensure compliance prior to its return to sale. ( )~~

~~**ii.** Relabeled to reflect actual values, upon approval of a new label and registration, provided that these values are appropriate for their intended use. ( )~~

~~**iii.** Returned to the manufacturer if the seller and manufacturer are not the same. ( )~~

~~**iv.** Diverted to an alternate use such as inclusion into another feed, or feeding to the manufacturer's own livestock, provided that it is appropriate for the diverted use and that it does not conflict with labeling or other State or Federal requirements for the diverted use. ( )~~

- ~~v. Destroyed. ( )~~
- ~~b. A commercial feed detained for a drug or antibiotic violation may be: ( )~~
  - ~~i. Remanufactured to meet label guarantees. The remixed feed shall be resampled and analyzed prior to its return to sale. ( )~~
  - ~~ii. Returned to the manufacturer if the seller and manufacturer are not the same. ( )~~
  - ~~iii. Diverted to an alternate use, provided that it is appropriate for the diverted use labeling or other State or Federal requirements for the diverted use. ( )~~
  - ~~iv. Destroyed. ( )~~
- ~~c. A commercial feed deemed to be adulterated under Section 25-2707(1), Idaho Code, or that cannot safely be remanufactured, relabeled, or diverted to an alternate use may be: ( )~~
  - ~~i. Returned to the manufacturer if the seller and manufacturer are not the same. ( )~~
  - ~~ii. Destroyed. ( )~~
- ~~02. Appropriate Compliance Procedure. The Department will indicate which of the above listed compliance procedures are appropriate for the particular "withdrawal from sale" order. The seller shall indicate which procedure is to be followed and, upon approval from the Department, shall carry out the procedure within thirty (30) days. Other procedures may be considered upon application by the state inspector or seller to the Department, Bureau of Feeds and Plant Services, Idaho Department of Agriculture, Boise, Idaho. ( )~~
- ~~03. Violation of Stop Sale, Use, or Removal Order. Any violation of the terms or conditions of a Stop Sale, Use, or Removal Order is considered a prohibited act. ( )~~

~~181. 211. (RESERVED)~~

**SUBCHAPTER B—NURSERIES AND FLORISTS**

~~212. SPECIAL SERVICE.~~

~~When nurseries or florists require additional inspections and special services, a special service fee will be charged. Refer to IDAPA 02.06.04, "Rules Governing Plant Exports," Section 195, "Fees and Charges," for a complete schedule of services and fees. ( )~~

~~213. 219. (RESERVED)~~

~~220. SHIPPING PERMIT NUMBER.~~

~~Upon request, a licensed nurseryman who holds a valid certificate of inspection from the Idaho Department of Agriculture for his nursery will be issued a shipping permit number. Application for a number must be made annually, and the use of the number is subject to the following conditions: ( )~~

- ~~01. Accompaniment. The shipping permit number shall accompany all shipments and deliveries of nursery stock. ( )~~
- ~~02. Changes. Once issued, the shipping permit number will not change unless request is made for a new number. ( )~~
- ~~03. Application Deadline. Application for a number or renewal of a number must be made by January 1 of each year. Failure to do so will result in suspension of the shipping permit number. ( )~~
- ~~04. Fees. A number will be issued or renewed only after the proper nursery license fees have been~~



paid for the current license year. A shipping permit number will be held in abeyance until the proper license fees are paid. ( )

~~05. Reissue Application.~~ If the business entity of a licensee is changed, or if the membership of a partnership is changed, irrespective of whether or not the business name is changed, application for reissuance of the shipping permit number must be made to the Idaho Department of Agriculture. ( )

~~06. Permit Number.~~ The shipping permit number, if printed on containers or cartons, will read as follows:

(SEAL)

IDAHO DEPARTMENT OF AGRICULTURE  
DIVISION OF PLANT INDUSTRIES  
BOISE, IDAHO 83701

SHIPPING-  
PERMIT NO.-

The nursery doing business under the above permit number has been regularly inspected and, to the best of our knowledge, is free from dangerous insect pests and diseases.

~~07. No Other Statements.~~ No other statements, other than the business name and address, may appear on the side of the container on which the shipping permit number and accompanying statement are printed. The printing of the shipping permit number is the responsibility of the licensee and all costs incurred in printing are his responsibility. ( )

~~146221.~~ -- 309. (RESERVED)

**SUBCHAPTER C – BEE INSPECTION**

**310. DEFINITIONS.**

The Department adopts the definitions set forth in Section 22-2502, Idaho Code for the interpretation and enforcement of Subchapter C only. ( )

~~311.~~ ~~314.~~ (RESERVED)

**315. REGULATED BEE DISEASES.**

~~Specifically,~~ American foulbrood, European foulbrood, sac brood and bee paralysis, Varroa mite, tracheal mite, or any other disease or abnormal condition of egg, larval, pupal, or adult stages of honey bees, ~~hereinafter is referred to as bee diseases.~~ ( )

~~311~~~~316.~~ -- 329. (RESERVED)

**330. REGULATED PRODUCTS AND RELATED EQUIPMENT.**

Subchapter C concerns any stage of the common honey bee, Apis mellifera L., all equipment used in handling and manipulation of bees, wax, and hives, and includes any containers for honey and wax that may be used in any apiary or in transporting bees and their products and apiary supplies that are located within the state of Idaho. ( )

331. -- 339. (RESERVED)

**340. REGISTRATION AND COLLECTION OF FEES.**

On or before July 1 of each year any person engaging in the activities of apicultural shall file with the Idaho Department of Agriculture a "Registration" form provided by the Idaho Department of Agriculture specifying the name, residence, place of apiaries, number of hives or colonies of bees owned or controlled, and such other information as may be required, accompanied by the applicable registration fee. ( )

~~341. 349. (RESERVED)~~

~~350. INSPECTION PROCEDURES.~~

~~01. Request for Inspection. All beekeepers requiring an apiary inspection shall complete the "Request for Inspection" form provided by the Department of Agriculture that includes name, address, telephone number of the applicant, number of colonies to be inspected and the state(s) to which entry is desired. The applicant agrees to pay the costs of the inspection according to the fee schedule in Section 370. The request for inspection must be returned to the Department of Agriculture no later than August 15 of each year. Late requests will be accepted through August 31, after which no requests for inspection will be accepted. No inspections will be conducted after November 15 of each year. Apiaries found free of disease will be entitled to receive a health certificate valid for one (1) year from date of issuance permitting access to those states that require and recognize Idaho certification. ( )~~

~~02. Disease Inspection. The apiary inspector will inspect for all diseases and pests cited in Section 315, specifically for American foulbrood and Varroa mite or other bee diseases as specified by the importing state regulatory agency. ( )~~

~~03. Posting of Registration. All apiaries located within the state of Idaho shall be conspicuously posted with the name, address and telephone number and state registration number of the owner. ( )~~

~~04. Necessary Precautions. The apiary inspector will take all necessary precautions to properly disinfect all tools and any other thing that may have come into contact with diseased bees or equipment to prevent spread of the disease. ( )~~

~~351. 359. (RESERVED)~~

~~360. DUTY OF OWNER OF BEES.~~

~~01. Compliance With Rules. Upon receipt of disease notification, the owner shall control the disease through the use of registered and approved agents in accordance with label directions or eradicate the disease by burning, then burying under not less than eighteen (18) inches of soil, the contaminated bees and equipment. ( )~~

~~02. Quarantined Apiary. Bees shall not be removed from an infested or quarantined apiary without permission, in writing, from the Director or the Director's agents. ( )~~

~~361. 369. (RESERVED)~~

~~370. FEES AND CHARGES.~~

~~01. Inspection, Sampling and Other Field Work: ( )~~

~~a. Inspection time: fifteen dollars (\$15) per hour. ( )~~

~~b. Travel costs: mileage, meals and lodging will be charged according to established state rates. ( )~~

~~02. Laboratory Examination. Twenty five dollars (\$25) per worker hour. ( )~~

~~341371. -- 403. (RESERVED)~~

**SUBCHAPTER D – FERTILIZER**

**404. INCORPORATION BY REFERENCE.**

The following documents are incorporated by reference into Subchapter D: ( )

**01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication.**

The ~~Officially Adopted Documents, Official~~ Terms, ~~Ingredient Definitions,~~ and Policies, as published in the “~~2021 2022~~ Official Publication” of AAPFCO where those ~~terms and ingredient definitions, and policy~~ statements do not conflict with ~~terms and ingredient definitions, and policy statements adopted under~~ Title 22, Chapter 6, Idaho Code, and any rule promulgated thereunder. A copy may be purchased online from the AAPFCO website at: [www.aapfco.org](http://www.aapfco.org). ( )

~~02. The Merck Index. The “2013 Merck Index,” 15th Edition as published by Merck Research Laboratories Division of Merck & Co., Incorporated. The Merck Index is a copyrighted publication and not available in an electronic format. A copy may be purchased online from Merck & Co., Inc. (now hosted by the Royal Society of Chemistry) at: <http://www.rsc.org/merckindex>. ( )~~

~~0203. The Association of Official Agricultural Chemists (AOAC) International. The “2019 Official Methods of Analysis (OMA) of the AOAC,” 21st Edition, a copyrighted publication, is maintained and published by the AOAC International. The AOAC OMA is available in electronic format at: [www.EOMA.AOAC.org](http://www.EOMA.AOAC.org). A copy may be purchased online from AOAC International. ( )~~

~~405. 409. (RESERVED)~~

~~410. DEFINITIONS.~~

~~In addition to the definitions found in Section 22-603, Idaho Code, the definitions in Subsection 410 apply in the interpretation and enforcement of Subchapter D only. ( )~~

~~01. Guarantee. An affirmation or promise made by the seller to the buyer that relates to the goods and becomes part of the basis of the bargain and creates an express warranty that the fertilizer shall conform to the affirmation or promise. ( )~~

~~02. Ultimate Dealer. The person who distributes fertilizer product to the end user. ( )~~

~~405411. -- 419. (RESERVED)~~

**420. SAMPLING AND ANALYSIS.**

The methods of sampling are those of AAPFCO and analysis are those of the Association of Official Analytical Chemists (AOAC) or other methods as approved by the department. ( )

~~421. 429. (RESERVED)~~

~~430. RULES REGARDING THE REGISTRATION OF FERTILIZERS CONTAINING PLANT NUTRIENTS IN ADDITION TO NITROGEN, PHOSPHATE, AND POTASH.~~

~~01. Other Plant Nutrients. A fertilizer may contain plant nutrients in addition to nitrogen, phosphate and potash. When these other nutrients are mentioned on the label in any form or manner, the fertilizer shall be registered. In addition, each nutrient amount shall be guaranteed, with the guarantee reported on the label on an elemental basis. Sources of the nutrients subjected to the guaranteed analysis, and proof of availability shall be provided to the department upon request. Any additional nutrients, contained in a fertilizer submitted for registration, must be present in the following minimum concentrations:~~

Element	Percent
Calcium (Ca)	1.0000

Magnesium (Mg)	0.5000
Sulfur (S)	1.0000
Boron (B)	0.0200
Chlorine (Cl)	0.1000
Cobalt (Co)	0.0005
Copper (Cu)	0.0500
Iron (Fe)	0.1000
Manganese (Mn)	0.0500
Molybdenum (Mo)	0.0005
Nickel (Ni)	0.0010
Sodium (Na)	0.1000
Zinc (Zn)	0.0500

( )

~~02. — Labeling. The label shall constitute a guarantee regarding the nutrient content of the fertilizer. No nutrients, other than those listed in Subsection 430.01, will be accepted by the department as guaranteed. Proposed labels and directions for the use of the fertilizer shall be furnished with the application for registration upon request. Any of the above listed elements that are guaranteed shall appear in the order listed immediately following guarantees for the primary nutrients of nitrogen, phosphate and potash.~~ ( )

~~03. — Exemptions. Guarantees for water soluble nutrients labeled for ready to use foliar fertilizers, ready to use specialty liquid fertilizers, hydroponic or continuous liquid feed programs, and potting soils, are exempted from the minimum element percentages listed in Subsection 430.01.~~ ( )

**421431. -- 439. (RESERVED)**

**440. WARNING OR CAUTION STATEMENTS.**

A warning or cautionary statement is required on any fertilizer product: ( )

**01. Containing Boron.** If the fertilizer product contains one tenth of a percent (.10%) or more boron in a water soluble form, the statement shall include: ( )

a. The word “Warning” or “Caution” conspicuously displayed; ( )

b. The crops for which the fertilizer is recommended; and ( )

c. That the use of the fertilizer on any crop(s) other than those recommended may result in serious injury to the crop(s). ( )

**02. Containing Molybdenum.** If the fertilizer product contains one thousandths of a percent (.001%) or more molybdenum, the statement shall include: ( )

- a. The word "Warning" or "Caution" conspicuously displayed; and ( )
- b. That the application of fertilizers containing molybdenum may result in forage crops containing levels of molybdenum that are toxic to ruminant animals. ( )

~~03. Other Fertilizer Products. The department may require a registrant to include a warning or caution statement for any other fertilizer product that contains a micro nutrient in water soluble form for which there is evidence that application of the micro nutrient may be harmful to certain crops or where there are unusual environmental conditions. ( )~~

~~04. Examples. The following are examples of warning or caution statements: ( )~~

~~a. Directions: Apply this fertilizer at a maximum rate of (number of pounds) per acre for (name of crop). ( )~~

~~b. CAUTION: Do not use on other crops. The (name of micro nutrient) may cause injury to them. ( )~~

~~c. CAUTION: Apply this fertilizer at a maximum rate of (number of pounds) per acre for (name of crop). Do not use on other crops; the (name of micro nutrient) may cause serious injury to them. ( )~~

~~d. WARNING: This fertilizer carries added (name(s) of micro nutrient(s)) and is intended for use only on (name of crop). Its use on any other crops or under conditions other than those recommended may result in serious injury to the crops. ( )~~

~~e. CAUTION: This fertilizer is to be used only on soil that responds to (name of micro nutrient). Crops high in (name of micro nutrient) are toxic to grazing animals (ruminants). ( )~~

~~f. Caution: (Name of micro nutrient) is recommended for all crops where (name of micro nutrient) may be deficient; however excessive application to susceptible crops may cause damage. ( )~~

~~441. 449. (RESERVED)~~

~~450. FERTILIZER LABELS.~~

~~The following information, in the format presented, is the minimum required for all fertilizer labels. For packaged products, this information shall either appear on the package, or be printed on a tag and attached to the package. This information shall be in a readable and conspicuous form. For bulk products, this same information in written or printed form shall accompany delivery and be supplied to the purchaser at time of delivery. ( )~~

~~01. Net Weight or Net Volume, If Liquid. Weight per gallon shall be included on the label of liquid fertilizers if net volume is stated. ( )~~

~~02. Brand. ( )~~

~~03. Grade. Grade (provided that the grade shall not be required when no primary nutrients are claimed). ( )~~

~~04. Guaranteed Analysis. A fertilizer label must contain the results of the guaranteed analysis. Zero (0) guarantees should not be made and shall not appear in any statement except in nutrient guarantee itemizations. The sliding scale method of expressing a guaranteed analysis on fertilizer labels (for example, "Available Phosphate fifteen to eighteen percent (15-18%)") is prohibited. If chemical forms of nitrogen are claimed or required, said form shall be set forth on the label. Nutrients other than nitrogen, phosphate and potash shall be set forth, on an elemental basis, as required by Subsection 430.01. The results of the guaranteed analysis required by Subchapter D of this rule shall be in the following form:~~

<del>Total Nitrogen-</del>	<del>(N). _____%</del>
----------------------------	------------------------

<del>_____</del> %	<del>Ammoniacal Nitrogen</del>
<del>_____</del> %	<del>Nitrate Nitrogen</del>
<del>_____</del> %	<del>Water Insoluble Nitrogen</del>
<del>_____</del> %	<del>Urea Nitrogen</del>
<del>_____</del> %	<del>(Other recognized and determinable forms of N)</del>
<del>Available Phosphate (P<sub>2</sub>O<sub>5</sub>)</del>	<del>_____</del> %
<del>Soluble Potash (K<sub>2</sub>O)</del>	<del>_____</del> %
<del>(Other nutrients, elemental basis)</del>	<del>_____</del> %

( )

~~05. Sources. Sources of nutrients shall be listed below the completed guaranteed analysis statement.~~

( )

~~06. Name and Address. Name and address of manufacturer, guarantor or registrant.~~

( )

~~07. Specialty Fertilizers. For specialty fertilizers distributed to the end user, the label shall set forth adequate directions for use. Such directions may include, but are not limited to:~~

( )

~~a. The recommended application rate or rates in units of weight or volume per unit of area coverage (where application rates are given in volume, the manufacturer shall provide the bulk density for the product on the label);~~

( )

~~b. Proper seasonal times and minimum intervals to apply the product when plants can rapidly utilize nutrients and loss to the environment can be minimized; and~~

( )

~~c. The statement "Apply Only As Directed" or a statement of similar designation.~~

( )

~~08. Packaging. Refer to Idaho Department of Agriculture rules, IDAPA 02.02.14, "Rules for Weights and Measures," for the specific requirements relating to product identity, declaration of quantity and prescribed units.~~

( )

~~451. 454. (RESERVED)~~

~~455. PRODUCT REGISTRATION.~~

~~01. Registration. All fertilizer companies, including companies engaged in custom formula mixing of dry or liquid fertilizers, shall comply with the product registration requirements of the Idaho Fertilizer Act of 2000, Section 22-605, Idaho Code, subject to the provisions of this Subchapter D.~~

( )

~~02. Alteration From Original State. When a fertilizer is mixed, added to, or in any way changed from its original grade or its content of secondary or minor nutrients, it is a different product, and must be registered as provided under Section 22-605, Idaho Code.~~

( )

~~03. Registering Altered Fertilizers. When a registered grade is altered by any commercial fertilizer manufacturer or ultimate dealer, such manufacturer or ultimate dealer, shall register the altered grade as provided under Section 22-605, Idaho Code. ( )~~

~~04. Brand Name. The addition of another prominent name or graphic design to the brand displayed on the label, other than descriptive words associated with the grade, constitutes a different brand and thus, must be registered as provided under Section 22-605, Idaho Code. For example, changing "Rose Bud 5-10-5" to "Kilmer's Rose Bud 5-10-5" would constitute a change in brand. ( )~~

~~05. Sale of Fertilizer. When a commercial fertilizer is removed from the package or vehicle in which it was placed by the original registrant and then offered for sale by a person other than the original registrant, it is a different product and shall be registered in accordance with Section 22-605, Idaho Code, except that it is not subject to an additional inspection fee as provided under Section 22-608, Idaho Code, provided that said fee was paid on the product by the original or prior registrant. ( )~~

~~456. -- 459. (RESERVED)~~

~~460. SLOWLY RELEASED PLANT NUTRIENTS.~~

~~01. Slow Release. No fertilizer label shall bear a statement that connotes or implies that certain plant nutrients contained in a fertilizer are released slowly over a period of time, unless the slow release components are identified and guaranteed at a level of at least fifteen percent (15%) of the total guarantee for that nutrient(s). ( )~~

~~02. Slow Release Properties. Types of products with slow release properties currently recognized by the department for the purposes of a guarantee include: ( )~~

~~a. Water insoluble, such as natural organics, ureaform materials, urea formaldehyde products, isobutylidene diurea, oxamide, etc.; ( )~~

~~b. Coated slow release, such as sulfur coated urea and other encapsulated soluble fertilizers; ( )~~

~~c. Ocluded slow release, where fertilizers or fertilizer materials are mixed with waxes, resins, or other inert materials and formed into particles; and ( )~~

~~d. Products containing water soluble nitrogen such as ureaform materials, urea formaldehyde products, methylenediurea (MDU), dimethylenetriura (DMTU), dicyanodiamide (DCD), etc. ( )~~

~~03. Additional Products May Be Added to List of Slow Release Nutrients. The department may add additional products to the list of recognized slow release nutrients upon an appropriate showing by a registrant. The terms, "water insoluble," "coated slow release," "slow release," "controlled release," "slowly available water soluble," and "ocluded slow release," are accepted as descriptive of these products, provided the manufacturer can show a testing program substantiating the claim. Testing shall be under guidance of Experiment Station personnel or a recognized researcher acceptable to the department. A laboratory procedure, acceptable to the department for evaluating the release characteristics of the product(s), must also be provided by the manufacturer. ( )~~

~~04. Methods. Unless otherwise specified by the department, AOAC International Method 970.04 (15th Edition) is to be used to confirm the coated slow release and ocluded slow release nutrients and others whose slow release characteristics depend on particle size. AOAC International Method 945.01 (15th Edition) shall be used to determine the water insoluble nitrogen of organic materials. ( )~~

~~441461. -- 469. (RESERVED)~~

~~470. INVESTIGATIONAL ALLOWANCES.~~

~~01. **Use of Investigational Allowances.** Investigational Allowances will be used in determining whether a fertilizer is deficient. Fertilizers that are deemed deficient are subject to penalty. Penalties for deficient fertilizers are found in Section 22-611, Idaho Code. ( )~~

~~02. **Deeming a Fertilizer Deficient.** A fertilizer will be deemed deficient if the analysis of any nutrient is below the guarantee by an amount exceeding the values in the following schedules, or if the overall index value of the fertilizer is below ninety-seven percent (97%). Note: For these investigational allowances to be applicable, the recommended AOAC International procedures for obtaining samples, preparation and analysis must be used. These are described in Official Methods of Analysis of the Association of Official Analytical Chemists, 13th Edition, 1980, and in succeeding issues of the Journal of the Association of Official Analytical Chemists. In evaluating replicate data, Table 19, page 935, Journal of the Association of Official Analytical Chemists, Volume 49, No. 5, October, 1966, should be followed. ( )~~

0203. **Investigational Allowances for Nitrogen, Phosphate and Potash.** For guaranteed percentages not listed in the following table, calculate the appropriate investigational allowance by interpolation.

Guaranteed Percent	Nitrogen Percent	Available Phosphate Percent	Potash Percent
04 or less	0.49	0.67	0.41
05	0.51	0.67	0.43
06	0.52	0.67	0.47
07	0.54	0.68	0.53
08	0.55	0.68	0.60
09	0.57	0.68	0.65
10	0.58	0.69	0.70
12	0.61	0.69	0.79
14	0.63	0.70	0.87
16	0.67	0.70	0.94
18	0.70	0.71	1.01
20	0.73	0.72	1.08
22	0.75	0.72	1.15
24	0.78	0.73	1.21
26	0.81	0.73	1.27
28	0.83	0.74	1.33
30	0.86	0.75	1.39
32 or more (*)	0.88	0.76	1.44



(\*For DAP and MAP, the Investigational Allowance for Available Phosphate is zero point seventy (0.70); for TSP, the Investigational Allowance shall be: one point fifty-two (1.52)). For dry custom mix fertilizers, an additional five percent (5%) of the guaranteed percentage shall be granted in addition to the allowances made in Subsection 470.03. ( )

~~04. Investigational Allowance for Other Nutrients. Secondary and minor elements shall be deemed deficient if any element is below the guarantee by an amount exceeding the values in the following schedule:~~

<b>Element</b>	<b>Investigational Allowance-</b>
Calcium	) 0.2 unit + 5% of guarantee
Magnesium	) 0.2 unit + 5% of guarantee
Sulfur	) 0.2 unit + 5% of guarantee
Boron	) 0.003 unit + 15% of guarantee
Cobalt	) 0.0001 unit + 30% of guarantee
Chlorine	) 0.005 unit + 10% of guarantee
Copper	) 0.005 unit + 10% of guarantee
Iron	) 0.005 unit + 10% of guarantee
Manganese	) 0.005 unit + 10% of guarantee
Molybdenum	) 0.0001 unit + 30% of guarantee
Sodium	) 0.005 unit + 10% of guarantee
Zinc	) 0.005 unit + 10% of guarantee

The maximum allowance when calculated as specified shall be one (1) unit (one percent (1%)). For dry custom mix fertilizers, an additional five percent (5%) of the guarantee shall be granted in addition to the allowances made above in this section. ( )

~~05. Overall Index Value. The overall index value is calculated by comparing the commercial dollar value guaranteed with the commercial dollar value found (Commercial Dollar Value found / Commercial dollar value guaranteed) x 100). Unit dollar values of the nutrients used are those referred to in Section 22-612, Idaho Code. The Department will conduct periodic surveys of the industry to determine unit dollar values. ( )~~

~~06. Examples. The following are examples of calculations for a custom mixed fertilizer of a 12-16-14 grade. For the purpose of these examples, the nutrient unit dollar values for all of the examples are assumed to be twenty three cents (\$.23) per pound of nitrogen, twenty seven cents (\$.27) per pound of available phosphate (P2O5), and eighteen cents (\$.18) per pound of potash (K2O).~~

~~Example 1. A ten thousand (10,000) pound batch of customer formula fertilizer guaranteed at 12.0-16.0-14.0 is analyzed and found at 10.6-16.4-14.3~~

<b>Nutrient</b>	<b>Guaranteed</b>	<b>x price/lb</b>	<b>Found</b>	<b>x price/lb</b>

N	12.0	\$2.76 (\$ .23 x 12.0)	10.6	\$2.438 (\$ .23 x 10.6)
P <sub>2</sub> O <sub>5</sub>	16.0	\$4.32 (\$ .27 x 16.0)	16.4	\$4.428 (\$ .27 x 16.4)
K <sub>2</sub> O	14.0	\$2.52 (\$ .18 x 14.0)	14.3	\$2.574 (\$ .18 x 14.3)
<b>Total</b>		<b>\$9.60</b>		<b>\$9.44</b>

~~Overall Index Value = (\$9.44/\$9.60) x 100 = 98.3%~~

~~However, the nitrogen value is in violation. The investigational allowance for a nitrogen guarantee of 12.0% is 0.61% (see the chart in section 02.06.12.050.03 above) plus an additional 5% of the guarantee for customer formula mixes. Therefore the nitrogen value must be at least 10.79%: (12.0 [ .61 + 12.0(.05) ] = 10.79%) in order to be within permissible values.~~

~~To find the amount (Lbs.) of N deficiency multiply the percent guaranteed by the weight of the lot minus the percentage found multiplied by the weight of the lot.~~

~~(.12) (12%) guaranteed x 10,000 lbs) — (.106) (10.6%) found x 10,000 lbs)) = 140 pounds~~

~~The penalty will be calculated as three times the value of a deficiency of 140 pounds of nitrogen in the 10,000 pound batch. 3 x [140 (\$ .23)] = \$96.60~~

~~Example 2. A ten thousand (10,000) pound batch of customer formula fertilizer guaranteed at 12.0 16.0 14.0 is analyzed at 11.1 15.3 13.1.~~

<b>Nutrient</b>	<b>Guaranteed</b>	<b>x price/lb</b>	<b>Found</b>	<b>x price/lb</b>
N	12.0	\$2.76 (\$ .23 x 12.0)	11.1	\$2.553 (\$ .23 x 11.1)
P <sub>2</sub> O <sub>5</sub>	16.0	\$4.32 (\$ .27 x 16.0)	15.3	\$4.131 (\$ .27 x 15.3)
K <sub>2</sub> O	14.0	\$2.52 (\$ .18 x 14.0)	13.1	\$2.358 (\$ .18 x 13.1)
<b>Total</b>		<b>\$9.60</b>		<b>\$9.042</b>

~~Overall Index Value = (\$9.042/\$9.60) x 100 = 94.2%~~

~~Although each of the individual nutrients is within the investigational allowance, the cumulative deficiency is reflected in the Overall Index Value.~~

~~The investigational allowance table shows for a nitrogen guarantee of 12%, the allowance is 0.61%. An additional allowance of 5% of the guarantee is 0.60%. The minimum nitrogen value is then 12.0 [0.61 + (.05 x 12)] = 10.79.~~

~~The minimum acceptable values for P2O5 and K2O will be 14.50 and 12.43, respectively.~~

~~The penalty will be calculated as follows:~~

Nutrient	Guaranteed-lbs	-	Found-lbs	=	Deficient-lbs	×	-price/lb
N	1200 (.12 x 10,000)	-	1110 (.111 x 10,000)	=	90	×	\$20.70 (\$.23 x 90 lbs)
P <sub>2</sub> O <sub>5</sub>	1600 (.16 x 10,000)	-	1530 (.153 x 10,000)	=	70	×	\$18.90 (\$.27 x 70 lbs)
K <sub>2</sub> O	1400 (.14 x 10,000)	-	1310 (.131 x 10,000)	=	90	×	\$16.20 (\$.18 x 90 lbs)
Total							\$55.80

3(\$55.80) = \$167.40

If the examples were specialty fertilizers rather than customer formula mixes, the penalties will be assessed in accordance with Section 22-611, Idaho Code. ( )

471. — 479. — (RESERVED)

**480. — ITEMIZATION OF PLANT FOOD ELEMENTS WITHIN THE GUARANTEED ANALYSIS.**

When a product label sets forth the different components of plant nutrients, the percentage for each component shall be shown before that component's name.

<b>EXAMPLES:</b>	
<b>Total Nitrogen (N)</b>	_____ %
_____ %	Ammoniacal Nitrogen
_____ %	Nitrate Nitrogen
<b>Magnesium (Mg)</b>	_____ %
_____ %	Water Soluble Magnesium (Mg)
<b>Sulfur (S)</b>	_____ %
_____ %	Free Sulfur (S)
_____ %	Combined Sulfur (S)

<b>Iron (Fe)</b>	_____ _____ %
_____ _____ %	<b>Chelated Iron (Fe)</b>
<b>Manganese (Mn)</b>	_____ _____ %
_____ _____ %	<b>Water Soluble Manganese (Mn)</b>

~~481. — 489. — (RESERVED)~~

~~490. — ORGANIC NITROGEN.~~

~~If an amount of nitrogen is designated as organic then the water insoluble nitrogen or the slow release nitrogen guarantee must not be less than sixty percent (60%) of the nitrogen so designated. Coated urea shall not be included in meeting the sixty percent (60%) requirement.~~

~~471491. -- 503. (RESERVED)~~

**SUBCHAPTER E – SOIL AND PLANT AMENDMENTS**

**504. INCORPORATION BY REFERENCE.**

The following documents are incorporated by reference into Subchapter E: ( )

**01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication.** The Terms, Ingredient Definitions, and Policies, as published in the “~~2022~~2021 Official Publication” of AAPFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 22, Chapter ~~622~~, Idaho Code, and any rule promulgated thereunder. A copy may be purchased online from the AAPFCO website at: [www.aapfco.org](http://www.aapfco.org). ( )

~~02. — The Merck Index. The “2013 Merck Index,” 15th Edition as published by Merck Research Laboratories Division of Merck & Co., Incorporated. The Merck Index is a copyrighted publication and not available in an electronic format. A copy may be purchased online from Merck & Co., Inc. (now hosted by the Royal Society of Chemistry) at <http://www.rsc.org/merckindex>.~~ ( )

~~0203. The Association of Official Agricultural Chemists (AOAC) International.~~ The “2019 Official Methods of Analysis (OMA) of the AOAC,” 21st Edition, a copyrighted publication, is maintained and published by the AOAC International. The AOAC OMA is available in electronic format at: [www.EOMA.AOAC.org](http://www.EOMA.AOAC.org). A copy may be purchased online from AOAC International. ( )

~~505. — 509. — (RESERVED)~~

~~510. — DEFINITIONS.~~

~~In addition to the definitions found in Section 22-2203, Idaho Code, the following definitions apply in the interpretation and enforcement of this Subchapter E only:~~ ( )

~~01. — Animal Manure. The excreta of animals together with whatever bedding material is present.~~ ( )

~~02. **Dried Animal Manure.** Animal manure resulting from confined animal feeding operations manipulated only to reduce the moisture content. ( )~~

~~511. **ABBREVIATIONS.**~~

~~01. **AAPFCO.** Association of American Plant Food Control Officials. ( )~~

~~02. **AOAC.** Association of Official Analytical Chemists, International. ( )~~

~~03. **ISDA.** Idaho State Department of Agriculture. ( )~~

~~512. 519. **(RESERVED)**~~

~~520. **SOIL AMENDMENT AND PLANT AMENDMENT REGISTRATION.**~~

~~Each separately identifiable soil amendment or plant amendment product shall be registered pursuant to Section 22-2205, Idaho Code. ( )~~

~~01. **Product Registration.** All soil amendment and plant amendment companies, including companies engaged in custom formula mixing of dry or liquid soil amendments or plant amendments, will comply with the product registration requirements of the Idaho Soil and Plant Amendment Act, Section 22-2205, Idaho Code, subject to the provisions of this chapter. ( )~~

~~02. **Exemptions from Registration.** ( )~~

~~a. Dried animal manure without nutrient claims and not commercially packaged or labeled. ( )~~

~~b. Horticultural growing media containing live plant material. ( )~~

~~03. **Alteration from Original State.** When a soil amendment or plant amendment that has been registered is mixed, added to, or in any way changed from its original content, it is a different product, and must be registered as provided under Section 22-2205, Idaho Code. ( )~~

~~04. **Sale of Soil Amendment or Plant Amendment.** When a commercial soil amendment or plant amendment is removed from the package or container in which it was placed by the original registrant and then offered for sale by a person other than the original registrant, it is a different product and shall be registered in accordance with Section 22-2205, Idaho Code, except that it is not subject to an additional inspection fee as provided under Section 22-2208, Idaho Code, provided that said fee was paid on the product by the original or prior registrant. ( )~~

~~521. 529. **(RESERVED)**~~

~~530. **SOIL AMENDMENT AND PLANT AMENDMENT LABELS.**~~

~~01. **Content or Guaranteed Analysis Exemptions.** ( )~~

~~a. The labeling requirements of the Idaho Soil and Plant Amendments Act, Section 22-2207(1)(e), Idaho Code, requiring that soil and plant amending ingredients and other ingredients shall be stated in terms of percentage is required except the following single ingredient soil amendments, when clearly and conspicuously identified as such on the label, are exempt from the content or guaranteed analysis: ( )~~

~~i. Mulch; ( )~~

~~ii. Peat; ( )~~

~~iii. Perlite; ( )~~

~~iv. Vermiculite; and ( )~~

~~v. Vermicompost. ( )~~

~~b. In lieu of a content or guaranteed analysis as required in Section 22-2207(1)(c), Idaho Code, the label of the following soil amendments when clearly and conspicuously identified as such on the label may include an ingredient statement: ( )~~

~~i. Compost; ( )~~

~~ii. Garden Soil; ( )~~

~~iii. Landscape Soil; ( )~~

~~iv. Mulch; ( )~~

~~v. Planting Mix; and ( )~~

~~vi. Potting Mix. ( )~~

~~c. In lieu of a content or guaranteed analysis as required in Section 22-2207(1)(c), Idaho Code, a product that claims the presence of a microbe(s), other than naturally occurring microbes, shall guarantee the microbe(s) as follows: ( )~~

~~i. Minimum number of each claimed viable organism at the genus and species level in colony forming units (CFU), spores or propagules per gram or milliliter (cm3); ( )~~

~~ii. Expiration date; and ( )~~

~~iii. Storage & handling instructions. ( )~~

~~**02. Nutrient Claims and the Use of the Term “Fertilizer.” ( )**~~

~~a. The term “fertilizer” and like terms shall not be used in labeling or literature to describe a soil amendment or plant amendment. ( )~~

~~b. Nutrient claims do not change the primary intended use of a soil or plant amendment product. Any nutrient claim shall be provided on the labeling and literature as an estimated range and stated as a percentage. Nutrient claims and estimates must be supported by lab analysis or documentation acceptable by the ISDA. ( )~~

~~c. Labeling or literature that makes nutrient claims or estimates is required to contain the following statement: “This product is recognized for its soil amendment characteristics. It is recognized that it has nutrient value. Any nutrient claims, verbal or written, are estimates and not guaranteed.” ( )~~

~~d. At the discretion of the registrant, labeling or literature that does not make nutrient claims or estimates may contain the following statement: “This product is recognized for its soil amendment characteristics. It is recognized that it has nutrient value. Any nutrient claims, verbal or written, are estimates and not guaranteed.” ( )~~

~~e. A guaranteed analysis of plant nutrients will be permitted on potting soils, landscape and garden soils, and related amendment products containing only levels of fertilizer sufficient to initiate growth. ( )~~

~~**03. Microbiological Product.** If the soil amendment or plant amendment is a microbiological product intended as an inoculum, the product label shall include an expiration date and state the number and kind of viable organisms per milliliter or, if the product is other than liquid, state the number and kind of viable organisms per gram. However, if the soil amendment or plant amendment is derived from a microbiological process or culture but~~

~~is not intended as an inoculum, then the product label shall state that the product is not a viable culture. ( )~~

~~**04. Ninety Five Percent Rule.** When a soil amendment or plant amendment is labeled as a specific material, such as peat moss or leaf mold, the product shall consist of not less than ninety five percent (95%) of that specific material. ( )~~

~~**05. Other Ingredients.** When the name of an ingredient(s) appears on the label of a soil amendment or plant amendment and is not one of the ingredients required to be listed, the percentage of that ingredient(s) shall appear prominently in print of the same size and color. ( )~~

~~**06. Warning or Caution Statements.** The ISDA may require a registrant to include a warning or caution statement to ensure safety to handlers, crops, and the environment. ( )~~

~~**07. Precautionary Statements.** ISDA may require precautionary statements when needed for safe and effective use of the soil amendment or plant amendment. ( )~~

~~**531. -- 539. (RESERVED)**~~

~~**540. SAMPLING AND ANALYSIS.**~~

~~The methods of sampling and analysis shall be those of AAPFCO, AOAC, or other methods as approved by the ISDA. ( )~~

~~**505541. -- 999. (RESERVED)**~~

## 02.06.02 – RULES GOVERNING REGISTRATIONS AND LICENSES

### 000. LEGAL AUTHORITY.

~~This chapter is adopted under the legal authority of~~ Sections 22-604, 22-2204, 22-2303(5), 22-2503, 22-2511, and 25-2710, Idaho Code. ( )

### 001. ~~TITLE AND SCOPE.~~

~~01. Title. The title of this chapter is IDAPA 02.06.02, “Rules Governing Registrations and Licenses.”~~ ( )

~~012. Scope. These rules specify general commercial feed, fertilizer, and soil and plant amendment product registration and label requirements, and provide inspection authorities. These rules establish a fee schedule for special nursery and florist services and set forth conditions under which a shipping permit will be issued. These rules are also to prevent the introduction or further dissemination of certain bee diseases and establish registration and collection of fees by providing authority to enter, inspect, and control bee pests and levy penalties.~~ ( )

### 002. -- 103. (RESERVED)

## SUBCHAPTER A – COMMERCIAL FEED

### 104. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into this Subchapter A: ( )

01. **The Association of American Feed Control Officials (AAFCO) Official Publication.** The Terms, Ingredient Definitions, Model Bill and Regulations, and Policies as published in the “~~2022~~2024 Official Publication” of AAFCO where those ~~terms and ingredient definitions, and policy~~ statements do not conflict with ~~terms and ingredient definitions, and policy statements adopted under~~ Title 25, Chapter 27, Idaho Code, and any rule promulgated thereunder. A copy may be purchased online from the AAFCO website at: [www.aafco.org](http://www.aafco.org). ( )

02. **The Merck Index.** The “Merck Veterinary Manual, 11<sup>th</sup> Edition”~~“2013 Merck Index,” 15<sup>th</sup> Edition~~, as published by Merck Research Laboratories Division of Merck & Co., Incorporated. ~~The Merck Index is a copyrighted publication and not available in an electronic format. The manual is publicly available. A copy may be purchased~~ online from Merck & Co., Inc at: <http://www.rsc.org/merckindex>. ( )

### 105. -- ~~114~~109. (RESERVED)

### ~~110. DEFINITIONS AND TERMS.~~

~~In addition to the definitions found in Section 25-2703, Idaho Code, the following definitions apply in the interpretation and enforcement of Subchapter A only:~~ ( )

~~01. All Life Stages. Gestation/lactation, growth, and adult maintenance life stages.~~ ( )

~~02. Family. A group of products, which are nutritionally adequate for any or all life stages based on their nutritional similarity to a lead product, that has been successfully test fed according to an AAFCO feeding protocol(s).~~ ( )

~~03. Hay. The aerial portion of grass or herbage especially cut, cured and baled or stacked for animal feeding, without further processing.~~ ( )

~~04. Immediate Container. The unit, can, box, tin, bag, or other receptacle or covering in which a pet food or specialty pet food is displayed for sale to retail purchasers, but does not include containers used as shipping~~



containers. ( )

~~05. **Ingredient Statement.** A collective and contiguous listing on the label of the ingredients of which the pet food or specialty pet food is composed. ( )~~

~~06. **Principal Display Panel.** The part of a label that is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale and may include the front, back, or side panels of the package. ( )~~

~~07. **Viable Noxious Weed Seed.** Any seed or propagule of a noxious weed, as identified or listed by Title 22, Chapter 24, Idaho Code, or any rules promulgated thereunder, that has not been ground fine enough or otherwise treated to destroy the ability to germinate. ( )~~

~~111. -- 114. (RESERVED)~~

**115. REGISTRATION AND FEES.**

**01. Product Registration Fee.** Whenever a commercial feed is registered for distribution in the state of Idaho, a fee of forty dollars (\$40) per product will be collected. ( )

~~a. The Department will utilize these funds for the operation of all program activities, including but not limited to, registration, label review, inspection and sampling, and laboratory analysis. ( )~~

~~b. The fee will be set by the Department such that all costs associated with the commercial feed program will be covered by the registration fee without the need for additional state general or dedicated funding. ( )~~

**02. Product Registration Fee Exemption.** Sellers who are not regularly engaged in the business of manufacturing or selling commercial feed and whose total amount of gross annual sales does not exceed five hundred dollars (\$500) are exempt from payment of the registration fee. This registration fee exemption does not exempt anyone from other sections of Subchapter A and/or the Idaho Commercial Feed Law. However, the Department retains the right to inspect any feed in the possession of those persons exempted by Subsection 115.02 at any time. ( )

~~a. This exemption pertains to the registration fee only, and does not exempt a person or business from other sections of Subchapter A and/or the Idaho Commercial Feed Law. ( )~~

~~b. The Department reserves the right to review the records of sellers who are claiming or who have claimed that they are exempt from the payment of the registration fee, in order to ensure that they qualify for the exemption. ( )~~

~~c. The Department further reserves the right to conduct any and all inspections allowed under Section 25 2709, Idaho Code, in order to ensure compliance with Subchapter A and/or the Idaho Commercial Feed Law. ( )~~

~~116. -- 119. (RESERVED)~~

**120. LABEL FORMAT.**

**01. Label Format.** Commercial feeds shall be labeled with the information prescribed in Section 25-2705 of the Commercial Feed Law and Subchapter A on the principal display panel of the product and in the following general format. ( )

a. Net Weight. ( )

b. Product name and brand name if any. ( )

c. If a drug is used, the required directions for use and precautionary statements or reference to their location if the detailed feeding directions and precautionary statements appear elsewhere on the label. ( )

d. The guaranteed analysis of the feed as required under the provisions of Section 25-2705(1)(c) of the Commercial Feed Law includes the following items, unless exempted, and in the order listed: ( )

i. Minimum percentage of crude protein. ( )

ii. Maximum or minimum percentage of equivalent protein from non-protein nitrogen. ( )

iii. Minimum percentage of crude fat. ( )

iv. Maximum percentage of crude fiber. ( )

v. Minerals, to include, in the following order: minimum and maximum percentages of calcium (Ca), minimum percentage of phosphorus (P), minimum and maximum percentages of salt (NaCl), and other minerals. ( )

vi. Vitamins. ( )

vii. Total sugars as invert on dried molasses products or products being sold primarily for their sugar content. ( )

viii. Exemptions. Guarantees for minerals are not required when there are no specific label claims and when the commercial feed contains less than six and one-half percent (6 1/2%) of Calcium, Phosphorus, Sodium, or Chloride. Guarantees for vitamins are not required when the commercial feed is neither formulated for nor represented in any manner as a vitamin supplement. Guarantees for crude protein, crude fat, and crude fiber are not required when the commercial feed is intended for purposes other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements, and molasses. ( )

e. Feed ingredients, collective terms for the grouping of feed ingredients, or appropriate statements as provided under the provisions of Section 25-2705(1)(d) of the Commercial Feed Law shall be listed in decreasing order of predominance by weight: ( )

i. The name of each ingredient as defined in the AAFCO Official Publication ~~of the Association of American Feed Control Officials~~, common or usual name, or one approved by the Director. ( )

ii. Collective terms for the grouping of feed ingredients as defined in the Official Definitions of Feed Ingredients published in the AAFCO Official Publication ~~of the Association of American Feed Control Officials~~ in lieu of the individual ingredients; provided that when a collective term for a group of ingredients is used on the label, individual ingredients within that group shall not be listed on the label. The manufacturer shall provide the feed control official, upon request, with a list of individual ingredients within a defined group, that are or have been used at manufacturing facilities distributing in or into the state. ( )

~~iii. The registrant may affix the statement, "ingredients as registered with the State" in lieu of the ingredient list on the label. The list of ingredients must be on file with the Director. This list shall be made available to the feed purchaser upon request.~~ ( )

~~f. Name and principal mailing address of the manufacturer or person responsible for distributing the feed. The principal mailing address shall include the street address, city, state, and zip code; however, the street address may be omitted if it is shown in the current city directory or telephone directory.~~ ( )

~~g. The information required in Section 25-2705 of the Commercial Feed Law must appear in its entirety on the principal display panel of the container.~~ ( )

~~h. Labeling shall include all statements and promotion on company websites or other internet based customer interfaces. ( )~~

~~02. Customer Formula Invoice and Tag Requirements. ( )~~

~~a. Bulk shipments of customer formula feed shall be accompanied by an invoice, delivery slip or other shipping documents identifying the shipment as customer formula feed and the name and address of the customer to whose order it is made. ( )~~

~~b. Bagged customer formula feed will be labeled with a tag identifying each bag as such. The total bags in each customer's shipment will be segregated from other bagged feed and identified with the name and address of the customer to whose order it is made. ( )~~

~~c. Nutritional guarantees and guarantees of other analytes, and a list of ingredients, in descending order of predominance by weight, of a customer formula feed may be used in lieu of specific weights or volumes of each ingredient, as required in Section 25-2705(2)(d) (1)(a), Idaho Code, when so ordered by the customer. ( )~~

02. Guidelines for "Human Grade" Claims. In order to substantiate that a "human grade" claim is truthful and not misleading, a manufacturer making such claims must have documentation as required in the AAFCO Official Publication. Submitted documentation will not be reviewed as part of the label approval process, excepting any legal question or action requiring such.

~~121. -- 124. (RESERVED)~~

~~125. BRAND AND PRODUCT NAMES.~~

~~01. Intended Use. The brand or product name must be appropriate for the intended use of the feed and must not be misleading. If the name indicates the feed is made for a specific use, the character of the feed must conform therewith. A mixture labeled "Dairy Feed," for example, must be suitable for that purpose. ( )~~

~~121126. -- 129. (RESERVED)~~

**130. EXPRESSION OF GUARANTEES.**

**01. Percentage by Weight.** The guarantees for crude protein, equivalent protein from non-protein nitrogen, crude fat, crude fiber and mineral guarantees (when required) will be in terms of percentage by weight. ( )

**02. Commercial Feeds.** Commercial feeds containing six and one-half percent (6 1/2%) or more Calcium, Phosphorus, Sodium or Chloride shall include in the guaranteed analysis the minimum and maximum percentages of calcium (Ca), the minimum percentage of phosphorus (P), and if salt is added, the minimum and maximum percentage of salt (NaCl). Minerals, except salt (NaCl) shall be guaranteed in terms of percentage of the element. When calcium and/or salt guarantees are given in the guaranteed analysis such shall be stated and conform to the following: ( )

**a.** When the minimum is five percent (5%) or less, the maximum will not exceed the minimum by more than one (1) percentage point. ( )

**b.** When the minimum is above five percent (5%), the maximum will not exceed the minimum by more than twenty percent (20%) and in no case shall the maximum exceed the minimum by more than five (5) percentage points. ( )

~~03. Vitamin Content. Guarantees for minimum vitamin content of commercial feeds and feed supplements, when made, shall be stated on the label in milligrams per pound of feed except that: ( )~~

~~a. Vitamin A, other than precursors of vitamin A, shall be stated in International or USP units per pound. ( )~~

~~b. Vitamin D, in products offered for poultry feeding, shall be stated in International Chick Units per pound. ( )~~

~~c. Vitamin D for other uses shall be stated in International or USP units per pound. ( )~~

~~d. Vitamin E shall be stated in International USP units per pound. ( )~~

~~e. Guarantees for vitamin content on the label of a commercial feed shall state the guarantee as true vitamins, not compounds, with the exception of the compounds, Pyridoxine Hydrochloride, Choline Chloride, Thiamine, and d Pantothenic Acid. ( )~~

~~f. Oils and premixes containing vitamin A or vitamin D or both may be labeled to show vitamin content in terms of units per gram. ( )~~

~~131. -- 134. (RESERVED)~~

~~135. NON-PROTEIN NITROGEN.~~

~~01. Urea. Urea and other non protein nitrogen products defined in the Official Publication of the Association of American Feed Control Officials or by the Director are acceptable ingredients only in commercial feeds for ruminant animals as a source of equivalent crude protein. If the commercial feed contains more than eight and seventy five hundredths percent (8.75%) of equivalent crude protein from all forms of non protein nitrogen, added as such, or the equivalent crude protein from all forms of non protein nitrogen, added as such, exceeds one-third (1/3) of the total crude protein, the label shall bear adequate directions for the safe use of feeds and a precautionary statement: "CAUTION: USE AS DIRECTED." The directions for use and the caution statement shall be in type of such size so placed on the label that they will be read and understood by ordinary persons under customary conditions of purchase and use. ( )~~

~~02. Non-Protein Nitrogen Defined. Non-protein nitrogen defined in the Official Publication of the Association of American Feed Control Officials, when so indicated, are acceptable ingredients in commercial feeds distributed to non ruminant animals as a source of nutrients other than equivalent crude protein. The maximum equivalent crude protein from non protein nitrogen sources when used in non ruminant rations shall not exceed one and twenty five hundredths percent (1.25%) of the total daily ration. ( )~~

~~03. Labels for Medicated Feeds. On labels such as those for medicated feeds that bear adequate feeding directions and/or warning statements, the presence of added non protein nitrogen shall not require a duplication of the feeding directions or the precautionary statements as long as those statements include sufficient information to ensure the safe and effective use of this product due to the presence of non protein nitrogen. ( )~~

~~131136. -- 139. (RESERVED)~~

~~140. DRUG AND FEED ADDITIVES.~~

~~01. Satisfactory Evidence. Satisfactory evidence of safety and efficacy of a commercial feed may be: ( )~~

~~a. When the commercial feed contains such additives, the use of which conforms to the requirements of the applicable regulation in the Code of Federal Regulations, Title 21, or which are "prior sanctioned" or "generally recognized as safe" for such use; or ( )~~

~~b. When the commercial feed is itself a drug and is generally recognized as safe and effective for the labeled use or is marketed subject to an application approved by the Food and Drug Administration under Title 21 U.S.C. 360(b). ( )~~

~~131141. -- 144. (RESERVED)~~

**145. ADULTERANTS.**

~~01. Substances. For the purpose of Section 25 2707, Idaho Code, of the Commercial Feed Law, the terms "poisonous or deleterious substances" include, but are not limited to, the following: ( )~~

~~a. Fluorine and any mineral or mineral mixture that is to be used directly for the feeding of domestic animals and in which the fluorine exceeds two tenths percent (0.2%) for breeding and dairy cattle; three tenths percent (0.3%) for slaughter cattle; three tenths percent (0.3%) for sheep; thirty five hundredths percent (0.35%) for lambs; forty five hundredths percent (0.45%) for swine; and six tenths percent (0.6%) for poultry. ( )~~

~~b. Fluorine bearing ingredients when used in such amounts that they raise the fluorine content of the total ration (exclusive of roughage) above the following amounts: four thousandths percent (0.004%) for breeding and dairy cattle; nine thousandths percent (0.009%) for slaughter cattle; six thousandths percent (0.006%) for sheep; one hundredths percent (0.01%) for lambs; fifteen thousandths percent (0.015%) for swine and three hundredths percent (0.03%) for poultry. ( )~~

~~c. Fluorine bearing ingredients incorporated in any feed that is fed directly to cattle, sheep or goats consuming roughage (with or without) limited amounts of grain, that results in a daily fluorine intake in excess of fifty (50) milligrams of fluorine per one hundred (100) pounds of body weight. ( )~~

~~d. Soybean meal, flakes or pellets or other vegetable meals, flakes or pellets that have been extracted with trichlorethylene or other chlorinated solvents. ( )~~

~~e. Sulfur dioxide, Sulfurous acid, and salts of Sulfurous acid when used in or on feeds of feed ingredients that are considered or reported to be a significant source of vitamin B1 (Thiamine). ( )~~

**0102. Screenings or By-Products.** All screenings or by-products of grains and seeds containing weed seeds, when used in commercial feed or sold as such to the ultimate consumer, shall be ground fine enough or otherwise treated to destroy the viability of such weed seeds. ( )

~~03. Viable Noxious Weed Seed. Viable noxious weed seed as defined in Subsection 110.07. ( )~~

~~146. -- 149. (RESERVED)~~

**150. ADOPTIONS AND PROMULGATION.**

All rules heretofore adopted and promulgated August 16, 1971 pertaining to the Idaho Commercial Feed Law, Title 25, Chapter 27, Idaho Code, are hereby repealed, and are replaced by Subchapter A. ( )

~~151. -- 159. (RESERVED)~~

**160. COTTONSEED.**

~~01. Certification. Prior to entry into the state of Idaho all shipments of cottonseed or cottonseed seed products destined for animal feed shall be certified as having been sampled and analyzed and no greater amount than twenty (20) ppb of aflatoxin shall be contained within the product or products, except that cottonseed meal intended for use as an animal feed or feed ingredient for beef cattle, swine and poultry, may be certified to contain more than twenty (20) ppb but less than three hundred (300) ppb of aflatoxin. ( )~~

~~02. Storage Location and Destination. Whole cottonseed, cottonseed meal or cottonseed seed products entering the state certified to contain no greater than twenty (20) ppb aflatoxin, or cottonseed meal certified to contain more than twenty (20) ppb but less than three hundred (300) ppb aflatoxin shall be accompanied by the certification document aboard carrier, be identified with a storage location at destination, and the certification document shall be maintained on file at the shipment destination for no less than one (1) year. In the case of bulk rail~~

~~car shipments, the certification document shall accompany the invoice or bill of lading and be identified with a storage location at destination. The certification document shall be maintained on file at the shipment destination for no less than one (1) year. ( )~~

~~**03. Registration.** Idaho firms wishing to import into the state and/or handle cottonseed meal containing more than twenty (20) ppb but less than three hundred (300) ppb aflatoxin for distribution or sale shall register annually with the Department their intent to do so. Feedlots and other end user operations importing the cottonseed meal as defined above in this paragraph for their own use are exempted from registration requirement. The importing firm shall also register the cottonseed meal (if not already registered by another firm) with the Department and pay any applicable registration fees (Sections 25-2704, Idaho Code). As a condition of registration, firms importing and/or handling cottonseed meal certified to contain more than twenty (20) ppb but less than three hundred (300) ppb aflatoxin, shall enter into a compliance agreement with the Department agreeing to: ( )~~

~~**a.** Store and label cottonseed meal certified to contain more than twenty (20) ppb but less than three hundred (300) ppb aflatoxin separately from cottonseed meal certified to contain less than twenty (20) ppb aflatoxin; ( )~~

~~**b.** Inform the purchaser in writing of the certified aflatoxin level in the meal purchased; and ( )~~

~~**c.** Submit to periodic record and facility inspections, and product testing by the Department. ( )~~

~~**04. Certification Performance.** Required certification will be performed by any state government or Federal government engaged in this type of certification. In the event that a state government or Federal government laboratory is not available, an independent or company laboratory may upon request be approved by the Department. Requests and approval shall be made in advance of the shipment entering the state. ( )~~

~~**161. -- 169. (RESERVED)**~~

~~**170. COTTONSEED -- EXEMPTIONS.**~~

~~Cottonseed hulls are exempted from laboratory certification requirements as stated in Subsections 160.01 through 160.04, provided that, cottonseed hulls shall not contain greater than twenty (20) ppb aflatoxin as required by the U. S. Food and Drug Administration. Any invoice or bill of lading accompanying or sent in regard to a shipment of cottonseed hulls shall state the level of aflatoxin in parts per billion contained in the shipment. ( )~~

~~**171. -- 179. (RESERVED)**~~

~~**180. DETAINED COMMERCIAL FEEDS.**~~

~~**01. Stop Sale, Use, or Removal.** Any commercial feed or identified lot of commercial feed that is the subject of a "stop sale, use, or removal" order under Section 25-2711(1), Idaho Code, may be released from such an order by the following means: ( )~~

~~**a.** A commercial feed detained for nutritional violation(s) may be: ( )~~

~~**i.** Remanufactured, using ingredients listed on the approved label, to meet label guarantees. The remixed feed shall be resampled and analyzed to ensure compliance prior to its return to sale. ( )~~

~~**ii.** Relabeled to reflect actual values, upon approval of a new label and registration, provided that these values are appropriate for their intended use. ( )~~

~~**iii.** Returned to the manufacturer if the seller and manufacturer are not the same. ( )~~

~~**iv.** Diverted to an alternate use such as inclusion into another feed, or feeding to the manufacturer's own livestock, provided that it is appropriate for the diverted use and that it does not conflict with labeling or other State or Federal requirements for the diverted use. ( )~~

- ~~v. Destroyed. ( )~~
- ~~b. A commercial feed detained for a drug or antibiotic violation may be: ( )~~
  - ~~i. Remanufactured to meet label guarantees. The remixed feed shall be resampled and analyzed prior to its return to sale. ( )~~
  - ~~ii. Returned to the manufacturer if the seller and manufacturer are not the same. ( )~~
  - ~~iii. Diverted to an alternate use, provided that it is appropriate for the diverted use labeling or other State or Federal requirements for the diverted use. ( )~~
  - ~~iv. Destroyed. ( )~~
- ~~c. A commercial feed deemed to be adulterated under Section 25 2707(1), Idaho Code, or that cannot safely be remanufactured, relabeled, or diverted to an alternate use may be: ( )~~
  - ~~i. Returned to the manufacturer if the seller and manufacturer are not the same. ( )~~
  - ~~ii. Destroyed. ( )~~
- ~~02. **Appropriate Compliance Procedure.** The Department will indicate which of the above listed compliance procedures are appropriate for the particular "withdrawal from sale" order. The seller shall indicate which procedure is to be followed and, upon approval from the Department, shall carry out the procedure within thirty (30) days. Other procedures may be considered upon application by the state inspector or seller to the Department, Bureau of Feeds and Plant Services, Idaho Department of Agriculture, Boise, Idaho. ( )~~
- ~~03. **Violation of Stop Sale, Use, or Removal Order.** Any violation of the terms or conditions of a Stop Sale, Use, or Removal Order is considered a prohibited act. ( )~~

~~181. -- 211. (RESERVED)~~

**SUBCHAPTER B — NURSERIES AND FLORISTS**

~~212. **SPECIAL SERVICE.**~~

~~When nurseries or florists require additional inspections and special services, a special service fee will be charged. Refer to IDAPA 02.06.04, "Rules Governing Plant Exports," Section 195, "Fees and Charges," for a complete schedule of services and fees. ( )~~

~~213. -- 219. (RESERVED)~~

~~220. **SHIPPING PERMIT NUMBER.**~~

~~Upon request, a licensed nurseryman who holds a valid certificate of inspection from the Idaho Department of Agriculture for his nursery will be issued a shipping permit number. Application for a number must be made annually, and the use of the number is subject to the following conditions: ( )~~

- ~~01. **Accompaniment.** The shipping permit number shall accompany all shipments and deliveries of nursery stock. ( )~~
- ~~02. **Changes.** Once issued, the shipping permit number will not change unless request is made for a new number. ( )~~
- ~~03. **Application Deadline.** Application for a number or renewal of a number must be made by January 1 of each year. Failure to do so will result in suspension of the shipping permit number. ( )~~
- ~~04. **Fees.** A number will be issued or renewed only after the proper nursery license fees have been~~

paid for the current license year. A shipping permit number will be held in abeyance until the proper license fees are paid. ( )

~~05. Reissue Application. If the business entity of a licensee is changed, or if the membership of a partnership is changed, irrespective of whether or not the business name is changed, application for reissuance of the shipping permit number must be made to the Idaho Department of Agriculture. ( )~~

~~06. Permit Number. The shipping permit number, if printed on containers or cartons, will read as follows:~~

~~(SEAL)~~

~~IDAHO DEPARTMENT OF AGRICULTURE  
DIVISION OF PLANT INDUSTRIES  
BOISE, IDAHO 83701~~

~~SHIPPING-  
PERMIT NO.-~~

~~The nursery doing business under the above permit number has been regularly inspected and, to the best of our knowledge, is free from dangerous insect pests and diseases.~~

~~07. No Other Statements. No other statements, other than the business name and address, may appear on the side of the container on which the shipping permit number and accompanying statement are printed. The printing of the shipping permit number is the responsibility of the licensee and all costs incurred in printing are his responsibility. ( )~~

~~146221. -- 309. (RESERVED)~~

**SUBCHAPTER C – BEE INSPECTION**

**310. DEFINITIONS.**

~~The Department adopts the definitions set forth in Section 22 2502, Idaho Code for the interpretation and enforcement of Subchapter C only. ( )~~

~~311. -- 314. (RESERVED)~~

**315. REGULATED BEE DISEASES.**

~~Specifically, American foulbrood, European foulbrood, sac brood and bee paralysis, Varroa mite, tracheal mite, or any other disease or abnormal condition of egg, larval, pupal, or adult stages of honey bees, hereinafter is referred to as bee diseases. ( )~~

~~311316. -- 329. (RESERVED)~~

**330. REGULATED PRODUCTS AND RELATED EQUIPMENT.**

Subchapter C concerns any stage of the common honey bee, Apis mellifera L., all equipment used in handling and manipulation of bees, wax, and hives, and includes any containers for honey and wax that may be used in any apiary or in transporting bees and their products and apiary supplies that are located within the state of Idaho. ( )

~~331. -- 339. (RESERVED)~~

**340. REGISTRATION AND COLLECTION OF FEES.**



On or before July 1 of each year any person engaging in the activities of apicultural shall file with the Idaho Department of Agriculture a "Registration" form provided by the Idaho Department of Agriculture specifying the name, residence, place of apiaries, number of hives or colonies of bees owned or controlled, and such other information as may be required, accompanied by the applicable registration fee. ( )

~~341. -- 349. (RESERVED)~~

~~350. INSPECTION PROCEDURES.~~

~~01. Request for Inspection. All beekeepers requiring an apiary inspection shall complete the "Request for Inspection" form provided by the Department of Agriculture that includes name, address, telephone number of the applicant, number of colonies to be inspected and the state(s) to which entry is desired. The applicant agrees to pay the costs of the inspection according to the fee schedule in Section 370. The request for inspection must be returned to the Department of Agriculture no later than August 15 of each year. Late requests will be accepted through August 31, after which no requests for inspection will be accepted. No inspections will be conducted after November 15 of each year. Apiaries found free of disease will be entitled to receive a health certificate valid for one (1) year from date of issuance permitting access to those states that require and recognize Idaho certification. ( )~~

~~02. Disease Inspection. The apiary inspector will inspect for all diseases and pests cited in Section 315, specifically for American foulbrood and Varroa mite or other bee diseases as specified by the importing state regulatory agency. ( )~~

~~03. Posting of Registration. All apiaries located within the state of Idaho shall be conspicuously posted with the name, address and telephone number and state registration number of the owner. ( )~~

~~04. Necessary Precautions. The apiary inspector will take all necessary precautions to properly disinfect all tools and any other thing that may have come into contact with diseased bees or equipment to prevent spread of the disease. ( )~~

~~351. -- 359. (RESERVED)~~

~~360. DUTY OF OWNER OF BEES.~~

~~01. Compliance With Rules. Upon receipt of disease notification, the owner shall control the disease through the use of registered and approved agents in accordance with label directions or eradicate the disease by burning, then burying under not less than eighteen (18) inches of soil, the contaminated bees and equipment. ( )~~

~~02. Quarantined Apiary. Bees shall not be removed from an infested or quarantined apiary without permission, in writing, from the Director or the Director's agents. ( )~~

~~361. -- 369. (RESERVED)~~

~~370. FEES AND CHARGES.~~

~~01. Inspection, Sampling and Other Field Work: ( )~~

~~a. Inspection time: fifteen dollars (\$15) per hour. ( )~~

~~b. Travel costs: mileage, meals and lodging will be charged according to established state rates. ( )~~

~~02. Laboratory Examination. Twenty five dollars (\$25) per worker hour. ( )~~

~~341371. -- 403. (RESERVED)~~

SUBCHAPTER D – FERTILIZER

404. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into Subchapter D: ( )

01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication.

The Officially Adopted Documents, Official Terms, Ingredient Definitions, and Policies, as published in the “2021 2022 Official Publication” of AAPFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 22, Chapter 6, Idaho Code, and any rule promulgated thereunder. A copy may be purchased online from the AAPFCO website at: www.aapfco.org. ( )

~~02. The Merck Index. The “2013 Merck Index,” 15th Edition as published by Merck Research Laboratories Division of Merck & Co., Incorporated. The Merck Index is a copyrighted publication and not available in an electronic format. A copy may be purchased online from Merck & Co., Inc. (now hosted by the Royal Society of Chemistry) at: http://www.rsc.org/merckindex. ( )~~

0203. The Association of Official Agricultural Chemists (AOAC) International. The “2019 Official Methods of Analysis (OMA) of the AOAC,” 21st Edition, a copyrighted publication, is maintained and published by the AOAC International. The AOAC OMA is available in electronic format at: www.EOMA.AOAC.org. A copy may be purchased online from AOAC International. ( )

~~405. – 409. (RESERVED)~~

~~410. DEFINITIONS.~~

~~In addition to the definitions found in Section 22-603, Idaho Code, the definitions in Subsection 410 apply in the interpretation and enforcement of Subchapter D only. ( )~~

~~01. Guarantee. An affirmation or promise made by the seller to the buyer that relates to the goods and becomes part of the basis of the bargain and creates an express warranty that the fertilizer shall conform to the affirmation or promise. ( )~~

~~02. Ultimate Dealer. The person who distributes fertilizer product to the end user. ( )~~

~~405411. -- 419. (RESERVED)~~

420. SAMPLING AND ANALYSIS.

The methods of sampling are those of AAPFCO and analysis are those of the Association of Official Analytical Chemists (AOAC) or other methods as approved by the department. ( )

~~421. – 429. (RESERVED)~~

~~430. RULES REGARDING THE REGISTRATION OF FERTILIZERS CONTAINING PLANT NUTRIENTS IN ADDITION TO NITROGEN, PHOSPHATE, AND POTASH.~~

~~01. Other Plant Nutrients. A fertilizer may contain plant nutrients in addition to nitrogen, phosphate and potash. When these other nutrients are mentioned on the label in any form or manner, the fertilizer shall be registered. In addition, each nutrient amount shall be guaranteed, with the guarantee reported on the label on an elemental basis. Sources of the nutrients subjected to the guaranteed analysis, and proof of availability shall be provided to the department upon request. Any additional nutrients, contained in a fertilizer submitted for registration, must be present in the following minimum concentrations:~~

Element	Percent
Calcium (Ca)	1.0000

Magnesium (Mg)	0.5000
Sulfur (S)	1.0000
Boron (B)	0.0200
Chlorine (Cl)	0.1000
Cobalt (Co)	0.0005
Copper (Cu)	0.0500
Iron (Fe)	0.1000
Manganese (Mn)	0.0500
Molybdenum (Mo)	0.0005
Nickel (Ni)	0.0010
Sodium (Na)	0.1000
Zinc (Zn)	0.0500

( )

~~02. — Labeling. The label shall constitute a guarantee regarding the nutrient content of the fertilizer. No nutrients, other than those listed in Subsection 430.01, will be accepted by the department as guaranteed. Proposed labels and directions for the use of the fertilizer shall be furnished with the application for registration upon request. Any of the above listed elements that are guaranteed shall appear in the order listed immediately following guarantees for the primary nutrients of nitrogen, phosphate and potash.~~ ( )

~~03. — Exemptions. Guarantees for water soluble nutrients labeled for ready to use foliar fertilizers, ready to use specialty liquid fertilizers, hydroponic or continuous liquid feed programs, and potting soils, are exempted from the minimum element percentages listed in Subsection 430.01.~~ ( )

**421431. -- 439. (RESERVED)**

**440. WARNING OR CAUTION STATEMENTS.**

A warning or cautionary statement is required on any fertilizer product: ( )

**01. Containing Boron.** If the fertilizer product contains one tenth of a percent (.10%) or more boron in a water soluble form, the statement shall include: ( )

a. The word “Warning” or “Caution” conspicuously displayed; ( )

b. The crops for which the fertilizer is recommended; and ( )

c. That the use of the fertilizer on any crop(s) other than those recommended may result in serious injury to the crop(s). ( )

**02. Containing Molybdenum.** If the fertilizer product contains one thousandths of a percent (.001%) or more molybdenum, the statement shall include: ( )

- a. The word “Warning” or “Caution” conspicuously displayed; and ( )
- b. That the application of fertilizers containing molybdenum may result in forage crops containing levels of molybdenum that are toxic to ruminant animals. ( )

~~03. Other Fertilizer Products. The department may require a registrant to include a warning or caution statement for any other fertilizer product that contains a micro nutrient in water soluble form for which there is evidence that application of the micro nutrient may be harmful to certain crops or where there are unusual environmental conditions. ( )~~

~~04. Examples. The following are examples of warning or caution statements: ( )~~

~~a. Directions: Apply this fertilizer at a maximum rate of (number of pounds) per acre for (name of crop). ( )~~

~~b. CAUTION: Do not use on other crops. The (name of micro nutrient) may cause injury to them. ( )~~

~~c. CAUTION: Apply this fertilizer at a maximum rate of (number of pounds) per acre for (name of crop). Do not use on other crops; the (name of micro nutrient) may cause serious injury to them. ( )~~

~~d. WARNING: This fertilizer carries added (name(s) of micro nutrient(s)) and is intended for use only on (name of crop). Its use on any other crops or under conditions other than those recommended may result in serious injury to the crops. ( )~~

~~e. CAUTION: This fertilizer is to be used only on soil that responds to (name of micro nutrient). Crops high in (name of micro nutrient) are toxic to grazing animals (ruminants). ( )~~

~~f. Caution: (Name of micro nutrient) is recommended for all crops where (name of micro nutrient) may be deficient; however excessive application to susceptible crops may cause damage. ( )~~

~~441. - 449. (RESERVED)~~

~~450. FERTILIZER LABELS.~~

~~The following information, in the format presented, is the minimum required for all fertilizer labels. For packaged products, this information shall either appear on the package, or be printed on a tag and attached to the package. This information shall be in a readable and conspicuous form. For bulk products, this same information in written or printed form shall accompany delivery and be supplied to the purchaser at time of delivery. ( )~~

~~01. Net Weight or Net Volume, If Liquid. Weight per gallon shall be included on the label of liquid fertilizers if net volume is stated. ( )~~

~~02. Brand. ( )~~

~~03. Grade. Grade (provided that the grade shall not be required when no primary nutrients are claimed). ( )~~

~~04. Guaranteed Analysis. A fertilizer label must contain the results of the guaranteed analysis. Zero (0) guarantees should not be made and shall not appear in any statement except in nutrient guarantee itemizations. The sliding scale method of expressing a guaranteed analysis on fertilizer labels (for example, “Available Phosphate fifteen to eighteen percent (15-18%)”) is prohibited. If chemical forms of nitrogen are claimed or required, said form shall be set forth on the label. Nutrients other than nitrogen, phosphate and potash shall be set forth, on an elemental basis, as required by Subsection 430.01. The results of the guaranteed analysis required by Subchapter D of this rule shall be in the following form:~~

Total Nitrogen-	(N). _____%
-----------------	-------------

<del>_____</del> %	<del>Ammoniacal Nitrogen</del>
<del>_____</del> %	<del>Nitrate Nitrogen</del>
<del>_____</del> %	<del>Water Insoluble Nitrogen</del>
<del>_____</del> %	<del>Urea Nitrogen</del>
<del>_____</del> %	<del>(Other recognized and determinable forms of N)</del>
<del>Available Phosphate (P<sub>2</sub>O<sub>5</sub>)</del>	<del>_____</del> %
<del>Soluble Potash (K<sub>2</sub>O)</del>	<del>_____</del> %
<del>(Other nutrients, elemental basis)</del>	<del>_____</del> %

( )

~~05. Sources. Sources of nutrients shall be listed below the completed guaranteed analysis statement.~~

( )

~~06. Name and Address. Name and address of manufacturer, guarantor or registrant.~~

( )

~~07. Specialty Fertilizers. For specialty fertilizers distributed to the end user, the label shall set forth adequate directions for use. Such directions may include, but are not limited to:~~

( )

~~a. The recommended application rate or rates in units of weight or volume per unit of area coverage (where application rates are given in volume, the manufacturer shall provide the bulk density for the product on the label);~~

( )

~~b. Proper seasonal times and minimum intervals to apply the product when plants can rapidly utilize nutrients and loss to the environment can be minimized; and~~

( )

~~c. The statement "Apply Only As Directed" or a statement of similar designation.~~

( )

~~08. Packaging. Refer to Idaho Department of Agriculture rules, IDAPA 02.02.14, "Rules for Weights and Measures," for the specific requirements relating to product identity, declaration of quantity and prescribed units.~~

( )

~~451. 454. (RESERVED)~~

~~455. PRODUCT REGISTRATION.~~

~~01. Registration. All fertilizer companies, including companies engaged in custom formula mixing of dry or liquid fertilizers, shall comply with the product registration requirements of the Idaho Fertilizer Act of 2000, Section 22-605, Idaho Code, subject to the provisions of this Subchapter D.~~

( )

~~02. Alteration From Original State. When a fertilizer is mixed, added to, or in any way changed from its original grade or its content of secondary or minor nutrients, it is a different product, and must be registered as provided under Section 22-605, Idaho Code.~~

( )

~~03. Registering -- Altered Fertilizers. When a registered grade is altered by any commercial fertilizer manufacturer or ultimate dealer, such manufacturer or ultimate dealer, shall register the altered grade as provided under Section 22-605, Idaho Code. ( )~~

~~04. Brand Name. The addition of another prominent name or graphic design to the brand displayed on the label, other than descriptive words associated with the grade, constitutes a different brand and thus, must be registered as provided under Section 22-605, Idaho Code. For example, changing "Rose Bud 5-10-5" to "Kilmer's Rose Bud 5-10-5" would constitute a change in brand. ( )~~

~~05. Sale of Fertilizer. When a commercial fertilizer is removed from the package or vehicle in which it was placed by the original registrant and then offered for sale by a person other than the original registrant, it is a different product and shall be registered in accordance with Section 22-605, Idaho Code, except that it is not subject to an additional inspection fee as provided under Section 22-608, Idaho Code, provided that said fee was paid on the product by the original or prior registrant. ( )~~

~~456. -- 459. (RESERVED)~~

~~460. SLOWLY RELEASED PLANT NUTRIENTS.~~

~~01. Slow Release. No fertilizer label shall bear a statement that connotes or implies that certain plant nutrients contained in a fertilizer are released slowly over a period of time, unless the slow release components are identified and guaranteed at a level of at least fifteen percent (15%) of the total guarantee for that nutrient(s). ( )~~

~~02. Slow Release Properties. Types of products with slow release properties currently recognized by the department for the purposes of a guarantee include: ( )~~

~~a. Water insoluble, such as natural organics, ureaform materials, urea formaldehyde products, isobutylidene diurea, oxamide, etc.; ( )~~

~~b. Coated slow release, such as sulfur coated urea and other encapsulated soluble fertilizers; ( )~~

~~c. Occluded slow release, where fertilizers or fertilizer materials are mixed with waxes, resins, or other inert materials and formed into particles; and ( )~~

~~d. Products containing water soluble nitrogen such as ureaform materials, urea formaldehyde products, methylenediurea (MDU), dimethylenetriura (DMTU), dicyanodiamide (DCD), etc. ( )~~

~~03. Additional Products May Be Added to List of Slow Release Nutrients. The department may add additional products to the list of recognized slow release nutrients upon an appropriate showing by a registrant. The terms, "water insoluble," "coated slow release," "slow release," "controlled release," "slowly available water soluble," and "occluded slow release," are accepted as descriptive of these products, provided the manufacturer can show a testing program substantiating the claim. Testing shall be under guidance of Experiment Station personnel or a recognized researcher acceptable to the department. A laboratory procedure, acceptable to the department for evaluating the release characteristics of the product(s), must also be provided by the manufacturer. ( )~~

~~04. Methods. Unless otherwise specified by the department, AOAC International Method 970.04 (15th Edition) is to be used to confirm the coated slow release and occluded slow release nutrients and others whose slow release characteristics depend on particle size. AOAC International Method 945.01 (15th Edition) shall be used to determine the water insoluble nitrogen of organic materials. ( )~~

~~441461. -- 469. (RESERVED)~~

~~470. INVESTIGATIONAL ALLOWANCES.~~

~~01. **Use of Investigational Allowances.** Investigational Allowances will be used in determining whether a fertilizer is deficient. Fertilizers that are deemed deficient are subject to penalty. Penalties for deficient fertilizers are found in Section 22-611, Idaho Code. ( )~~

~~02. **Deeming a Fertilizer Deficient.** A fertilizer will be deemed deficient if the analysis of any nutrient is below the guarantee by an amount exceeding the values in the following schedules, or if the overall index value of the fertilizer is below ninety-seven percent (97%). Note: For these investigational allowances to be applicable, the recommended AOAC International procedures for obtaining samples, preparation and analysis must be used. These are described in Official Methods of Analysis of the Association of Official Analytical Chemists, 13th Edition, 1980, and in succeeding issues of the Journal of the Association of Official Analytical Chemists. In evaluating replicate data, Table 19, page 935, Journal of the Association of Official Analytical Chemists, Volume 49, No. 5, October, 1966, should be followed. ( )~~

**0203. Investigational Allowances for Nitrogen, Phosphate and Potash.** For guaranteed percentages not listed in the following table, calculate the appropriate investigational allowance by interpolation.

Guaranteed Percent	Nitrogen Percent	Available Phosphate Percent	Potash Percent
04 or less	0.49	0.67	0.41
05	0.51	0.67	0.43
06	0.52	0.67	0.47
07	0.54	0.68	0.53
08	0.55	0.68	0.60
09	0.57	0.68	0.65
10	0.58	0.69	0.70
12	0.61	0.69	0.79
14	0.63	0.70	0.87
16	0.67	0.70	0.94
18	0.70	0.71	1.01
20	0.73	0.72	1.08
22	0.75	0.72	1.15
24	0.78	0.73	1.21
26	0.81	0.73	1.27
28	0.83	0.74	1.33
30	0.86	0.75	1.39
32 or more (*)	0.88	0.76	1.44

(\*For DAP and MAP, the Investigational Allowance for Available Phosphate is zero point seventy (0.70); for TSP, the Investigational Allowance shall be: one point fifty-two (1.52)). For dry custom mix fertilizers, an additional five percent (5%) of the guaranteed percentage shall be granted in addition to the allowances made in Subsection 470.03. ( )

~~04. Investigational Allowance for Other Nutrients. Secondary and minor elements shall be deemed deficient if any element is below the guarantee by an amount exceeding the values in the following schedule:~~

<del>Element</del>	<del>Investigational Allowance</del>
<del>Calcium</del>	<del>) 0.2 unit + 5% of guarantee</del>
<del>Magnesium</del>	<del>) 0.2 unit + 5% of guarantee</del>
<del>Sulfur</del>	<del>) 0.2 unit + 5% of guarantee</del>
<del>Boron</del>	<del>) 0.003 unit + 15% of guarantee</del>
<del>Cobalt</del>	<del>) 0.0001 unit + 30% of guarantee</del>
<del>Chlorine</del>	<del>) 0.005 unit + 10% of guarantee</del>
<del>Copper</del>	<del>) 0.005 unit + 10% of guarantee</del>
<del>Iron</del>	<del>) 0.005 unit + 10% of guarantee</del>
<del>Manganese</del>	<del>) 0.005 unit + 10% of guarantee</del>
<del>Molybdenum</del>	<del>) 0.0001 unit + 30% of guarantee</del>
<del>Sodium</del>	<del>) 0.005 unit + 10% of guarantee</del>
<del>Zinc</del>	<del>) 0.005 unit + 10% of guarantee</del>

~~The maximum allowance when calculated as specified shall be one (1) unit (one percent (1%)). For dry custom mix fertilizers, an additional five percent (5%) of the guarantee shall be granted in addition to the allowances made above in this section. ( )~~

~~05. Overall Index Value. The overall index value is calculated by comparing the commercial dollar value guaranteed with the commercial dollar value found (Commercial Dollar Value found / Commercial dollar value guaranteed) x 100). Unit dollar values of the nutrients used are those referred to in Section 22-612, Idaho Code. The Department will conduct periodic surveys of the industry to determine unit dollar values. ( )~~

~~06. Examples. The following are examples of calculations for a custom mixed fertilizer of a 12-16-14 grade. For the purpose of these examples, the nutrient unit dollar values for all of the examples are assumed to be twenty-three cents (\$.23) per pound of nitrogen, twenty-seven cents (\$.27) per pound of available phosphate (P2O5), and eighteen cents (\$.18) per pound of potash (K2O).~~

~~Example 1. A ten thousand (10,000) pound batch of customer formula fertilizer guaranteed at 12.0-16.0-14.0 is analyzed and found at 10.6-16.4-14.3~~

<del>Nutrient</del>	<del>Guaranteed</del>	<del>x price/lb</del>	<del>Found</del>	<del>x price/lb</del>



N	12.0	\$2.76 (\$ .23 x 12.0)	10.6	\$2.438 (\$ .23 x 10.6)
P <sub>2</sub> O <sub>5</sub>	16.0	\$4.32 (\$ .27 x 16.0)	16.4	\$4.428 (\$ .27 x 16.4)
K <sub>2</sub> O	14.0	\$2.52 (\$ .18 x 14.0)	14.3	\$2.574 (\$ .18 x 14.3)
<b>Total</b>		<b>\$9.60</b>		<b>\$9.44</b>

~~Overall Index Value = (\$9.44/\$9.60) x 100 = 98.3%~~

~~However, the nitrogen value is in violation. The investigational allowance for a nitrogen guarantee of 12.0% is 0.61% (see the chart in section 02.06.12.050.03 above) plus an additional 5% of the guarantee for customer formula mixes. Therefore the nitrogen value must be at least 10.79%: (12.0 - [.61 + 12.0(.05)]) = 10.79%) in order to be within permissible values.~~

~~To find the amount (Lbs.) of N deficiency multiply the percent guaranteed by the weight of the lot minus the percentage found multiplied by the weight of the lot.~~

~~(.12) (12%) guaranteed x 10,000 lbs) - (.106) (10.6%) found x 10,000 lbs)) = 140 pounds~~

~~The penalty will be calculated as three times the value of a deficiency of 140 pounds of nitrogen in the 10,000 pound batch. 3 x [140 (\$ .23)] = \$96.60~~

~~Example 2. A ten thousand (10,000) pound batch of customer formula fertilizer guaranteed at 12.0 16.0 14.0 is analyzed at 11.1 15.3 13.1.~~

<b>Nutrient</b>	<b>Guaranteed</b>	<b>x price/lb</b>	<b>Found</b>	<b>x price/lb</b>
N	12.0	\$2.76 (\$ .23 x 12.0)	11.1	\$2.553 (\$ .23 x 11.1)
P <sub>2</sub> O <sub>5</sub>	16.0	\$4.32 (\$ .27 x 16.0)	15.3	\$4.131 (\$ .27 x 15.3)
K <sub>2</sub> O	14.0	\$2.52 (\$ .18 x 14.0)	13.1	\$2.358 (\$ .18 x 13.1)
<b>Total</b>		<b>\$9.60</b>		<b>\$9.042</b>

~~Overall Index Value = (\$9.042/\$9.60) x 100 = 94.2%~~

~~Although each of the individual nutrients is within the investigational allowance, the cumulative deficiency is reflected in the Overall Index Value.~~

~~The investigational allowance table shows for a nitrogen guarantee of 12%, the allowance is 0.61%. An additional allowance of 5% of the guarantee is 0.60%. The minimum nitrogen value is then 12.0 - [0.61 + (.05 x 12)] = 10.79.~~

~~The minimum acceptable values for P2O5 and K2O will be 14.50 and 12.43, respectively.~~

~~The penalty will be calculated as follows:~~

Nutrient	Guaranteed-lbs	-	Found-lbs	=	Deficient-lbs	×	-price/lb
N	1200 (.12 x 10,000)	-	1110 (.111 x 10,000)	=	90	×	\$20.70 (\$.23 x 90 lbs)
P <sub>2</sub> O <sub>5</sub>	1600 (.16 x 10,000)	-	1530 (.153 x 10,000)	=	70	×	\$18.90 (\$.27 x 70 lbs)
K <sub>2</sub> O	1400 (.14 x 10,000)	-	1310 (.131 x 10,000)	=	90	×	\$16.20 (\$.18 x 90 lbs)
Total							\$55.80

3 (\$55.80) = \$167.40

If the examples were specialty fertilizers rather than customer formula mixes, the penalties will be assessed in accordance with Section 22-611, Idaho Code. ( )

471. -- 479. (RESERVED)

**480. ITEMIZATION OF PLANT FOOD ELEMENTS WITHIN THE GUARANTEED ANALYSIS.**

When a product label sets forth the different components of plant nutrients, the percentage for each component shall be shown before that component's name.

EXAMPLES:	
Total Nitrogen (N)	_____ %
_____ %	-Ammoniacal Nitrogen-
_____ %	Nitrate Nitrogen-
Magnesium (Mg)	_____ %
_____ %	Water Soluble Magnesium (Mg)
Sulfur (S)	_____ %
_____ %	Free Sulfur (S)
_____ %	-Combined Sulfur (S)

<b>Iron (Fe)</b>	_____ _____ %
_____ _____ %	Chelated Iron (Fe)
<b>Manganese (Mn)</b>	_____ _____ %
_____ _____ %	Water Soluble Manganese (Mn)

~~481. -- 489. (RESERVED)~~

~~490. ORGANIC NITROGEN.~~

~~If an amount of nitrogen is designated as organic then the water insoluble nitrogen or the slow release nitrogen guarantee must not be less than sixty percent (60%) of the nitrogen so designated. Coated urea shall not be included in meeting the sixty percent (60%) requirement.~~

~~471491. -- 503. (RESERVED)~~

**SUBCHAPTER E – SOIL AND PLANT AMENDMENTS**

**504. INCORPORATION BY REFERENCE.**

The following documents are incorporated by reference into Subchapter E: ( )

**01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication.** The Terms, Ingredient Definitions, and Policies, as published in the "~~2022~~2021 Official Publication" of AAPFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 22, Chapter ~~622~~, Idaho Code, and any rule promulgated thereunder. A copy may be purchased online from the AAPFCO website at: [www.aapfco.org](http://www.aapfco.org). ( )

~~02. The Merck Index. The "2013 Merck Index," 15th Edition as published by Merck Research Laboratories Division of Merck & Co., Incorporated. The Merck Index is a copyrighted publication and not available in an electronic format. A copy may be purchased online from Merck & Co., Inc. (now hosted by the Royal Society of Chemistry) at <http://www.rsc.org/merckindex>.~~ ( )

~~0203. The Association of Official Agricultural Chemists (AOAC) International.~~ The "2019 Official Methods of Analysis (OMA) of the AOAC," 21st Edition, a copyrighted publication, is maintained and published by the AOAC International. The AOAC OMA is available in electronic format at: [www.EOMA.AOAC.org](http://www.EOMA.AOAC.org). A copy may be purchased online from AOAC International. ( )

~~505. -- 509. (RESERVED)~~

~~510. DEFINITIONS.~~

~~In addition to the definitions found in Section 22-2203, Idaho Code, the following definitions apply in the interpretation and enforcement of this Subchapter E only:~~

~~01. Animal Manure. The excreta of animals together with whatever bedding material is present.~~ ( )

~~02. **Dried Animal Manure.** Animal manure resulting from confined animal feeding operations manipulated only to reduce the moisture content. ( )~~

~~511. **ABBREVIATIONS.**~~

~~01. **AAPFCO.** Association of American Plant Food Control Officials. ( )~~

~~02. **AOAC.** Association of Official Analytical Chemists, International. ( )~~

~~03. **ISDA.** Idaho State Department of Agriculture. ( )~~

~~512. -- 519. (RESERVED)~~

~~520. **SOIL AMENDMENT AND PLANT AMENDMENT REGISTRATION.**~~

~~Each separately identifiable soil amendment or plant amendment product shall be registered pursuant to Section 22-2205, Idaho Code. ( )~~

~~01. **Product Registration.** All soil amendment and plant amendment companies, including companies engaged in custom formula mixing of dry or liquid soil amendments or plant amendments, will comply with the product registration requirements of the Idaho Soil and Plant Amendment Act, Section 22-2205, Idaho Code, subject to the provisions of this chapter. ( )~~

~~02. **Exemptions from Registration.** ( )~~

~~a. Dried animal manure without nutrient claims and not commercially packaged or labeled. ( )~~

~~b. Horticultural growing media containing live plant material. ( )~~

~~03. **Alteration from Original State.** When a soil amendment or plant amendment that has been registered is mixed, added to, or in any way changed from its original content, it is a different product, and must be registered as provided under Section 22-2205, Idaho Code. ( )~~

~~04. **Sale of Soil Amendment or Plant Amendment.** When a commercial soil amendment or plant amendment is removed from the package or container in which it was placed by the original registrant and then offered for sale by a person other than the original registrant, it is a different product and shall be registered in accordance with Section 22-2205, Idaho Code, except that it is not subject to an additional inspection fee as provided under Section 22-2208, Idaho Code, provided that said fee was paid on the product by the original or prior registrant. ( )~~

~~521. -- 529. (RESERVED)~~

~~530. **SOIL AMENDMENT AND PLANT AMENDMENT LABELS.**~~

~~01. **Content or Guaranteed Analysis Exemptions.** ( )~~

~~a. The labeling requirements of the Idaho Soil and Plant Amendments Act, Section 22-2207(1)(c), Idaho Code, requiring that soil and plant amending ingredients and other ingredients shall be stated in terms of percentage is required except the following single ingredient soil amendments, when clearly and conspicuously identified as such on the label, are exempt from the content or guaranteed analysis: ( )~~

~~i. Mulch; ( )~~

~~ii. Peat; ( )~~

~~iii. Perlite; ( )~~

~~iv. Vermiculite; and ( )~~

~~v. Vermicompost. ( )~~

~~b. In lieu of a content or guaranteed analysis as required in Section 22-2207(1)(c), Idaho Code, the label of the following soil amendments when clearly and conspicuously identified as such on the label may include an ingredient statement: ( )~~

~~i. Compost; ( )~~

~~ii. Garden Soil; ( )~~

~~iii. Landscape Soil; ( )~~

~~iv. Mulch; ( )~~

~~v. Planting Mix; and ( )~~

~~vi. Potting Mix. ( )~~

~~c. In lieu of a content or guaranteed analysis as required in Section 22-2207(1)(c), Idaho Code, a product that claims the presence of a microbe(s), other than naturally occurring microbes, shall guarantee the microbe(s) as follows: ( )~~

~~i. Minimum number of each claimed viable organism at the genus and species level in colony forming units (CFU), spores or propagules per gram or milliliter (cm<sup>3</sup>); ( )~~

~~ii. Expiration date; and ( )~~

~~iii. Storage & handling instructions. ( )~~

~~**02. Nutrient Claims and the Use of the Term “Fertilizer.” ( )**~~

~~a. The term “fertilizer” and like terms shall not be used in labeling or literature to describe a soil amendment or plant amendment. ( )~~

~~b. Nutrient claims do not change the primary intended use of a soil or plant amendment product. Any nutrient claim shall be provided on the labeling and literature as an estimated range and stated as a percentage. Nutrient claims and estimates must be supported by lab analysis or documentation acceptable by the ISDA. ( )~~

~~c. Labeling or literature that makes nutrient claims or estimates is required to contain the following statement: “This product is recognized for its soil amendment characteristics. It is recognized that it has nutrient value. Any nutrient claims, verbal or written, are estimates and not guaranteed.” ( )~~

~~d. At the discretion of the registrant, labeling or literature that does not make nutrient claims or estimates may contain the following statement: “This product is recognized for its soil amendment characteristics. It is recognized that it has nutrient value. Any nutrient claims, verbal or written, are estimates and not guaranteed.” ( )~~

~~e. A guaranteed analysis of plant nutrients will be permitted on potting soils, landscape and garden soils, and related amendment products containing only levels of fertilizer sufficient to initiate growth. ( )~~

~~**03. Microbiological Product.** If the soil amendment or plant amendment is a microbiological product intended as an inoculum, the product label shall include an expiration date and state the number and kind of viable organisms per milliliter or, if the product is other than liquid, state the number and kind of viable organisms per gram. However, if the soil amendment or plant amendment is derived from a microbiological process or culture but~~

~~is not intended as an inoculum, then the product label shall state that the product is not a viable culture. ( )~~

~~**04. Ninety Five Percent Rule.** When a soil amendment or plant amendment is labeled as a specific material, such as peat moss or leaf mold, the product shall consist of not less than ninety five percent (95%) of that specific material. ( )~~

~~**05. Other Ingredients.** When the name of an ingredient(s) appears on the label of a soil amendment or plant amendment and is not one of the ingredients required to be listed, the percentage of that ingredient(s) shall appear prominently in print of the same size and color. ( )~~

~~**06. Warning or Caution Statements.** The ISDA may require a registrant to include a warning or caution statement to ensure safety to handlers, crops, and the environment. ( )~~

~~**07. Precautionary Statements.** ISDA may require precautionary statements when needed for safe and effective use of the soil amendment or plant amendment. ( )~~

~~**531. -- 539. (RESERVED)**~~

~~**540. SAMPLING AND ANALYSIS.**~~

~~The methods of sampling and analysis shall be those of AAPFCO, AOAC, or other methods as approved by the ISDA. ( )~~

~~**505541. -- 999. (RESERVED)**~~

To: Commercial Fertilizer and Soil & Plant Amendment Registrants and Stakeholders  
From: Lloyd B. Knight, Administrator  
Date:  
Subject: Proposed Legislative and Rulemaking Changes

### **Proposed Legislation**

The Idaho State Department of Agriculture (ISDA) proposes a bill related to Red Tape Reduction within Title 22. The bill has two components:

- Simplifying the fee structure of the fertilizer program by repealing tonnage fees
- Simplifying the fee structure of soil and plant amendment program by repealing tonnage fees

This bill would create a more streamlined framework for fertilizer and soil and plant amendment registration. Currently, customers pay a registration fee and then separate fees for tonnage. This process is cumbersome for customers and takes considerable time for ISDA staff to review. This bill would eliminate the process of paying by tonnage. This type of structure was successfully implemented in the ISDA feed program several years ago.

ISDA analyzed program revenues based on the current tonnage and registration fee system. The Department assessed program expenses and determined that average costs paid per registered product could be lowered.

In a typical year, the average fertilizer registration cost is \$77 per product, and the average soil and plant amendment registration cost is \$114 (registration plus tonnage fees). ISDA's proposal would set flat rates for both programs (\$75 per fertilizer product and \$90 per soil and plant amendment product). There are approximately 7,200 fertilizers registered and approximately 1,700 soil and plant amendment products registered in Idaho. This bill would decrease costs for industry by \$55,344 in the first year.

The total expected savings to industry is \$186,000 over the next five years, which means there will be a commensurate decrease in ISDA dedicated funding. ISDA revenue will see a decrease in the first year and then smaller decreases in subsequent years as additional new products are registered in the program. These programs have adequate fund balances, and ISDA could implement the changes while maintaining services. This proposal will decrease overall, average costs for customers and will result in significant savings to staff time due to a simplified process. If passed, ISDA would be able to shift staff away from paperwork review towards field work and technical assistance.

You can keep up to date on all legislation by visiting <https://legislature.idaho.gov/>.

### **Zero-Based Rulemaking**

In addition, the Rules Governing Registrations and Licenses is up for review in compliance with Governor Little's [Executive Order on Zero Based Rulemaking](#). The rulemaking schedule for 2022 including the Rules Governing Registration and Licenses, which includes subchapters related to Commercial Fertilizer and Soil & Plant Amendments.

There are no specific rulemaking changes planned by the ISDA at this time except for evaluation and amendment consistent with the Governor's Executive Order. We encourage stakeholders to participate and offer thoughts on the rules during this process.

- The Notice of Intent to Promulgate Rules was published in the [January 5, 2022 Administrative Bulletin \(Page 11-13\)](#). This includes details on the rulemaking schedule.
- You can keep up to date on the rulemaking process, including meeting details, working drafts, and meeting minutes by visiting the [ISDA website](#) under the Current Rulemaking tab. The website will be updated as the March meeting dates are closer.
- You can review the current rule [here](#).

Please contact....



02.06.02 Rules Governing Registrations and Licenses  
Minutes of April 7, 2022, 9:00 a.m.  
Meeting held via Webex Conference

Hosts/Facilitators: Lloyd Knight – Idaho State Department of Agriculture  
Chanel Tewalt – Idaho State Department of Agriculture  
Andrea Thompson – Idaho State Department of Agriculture

Stakeholders Present: Margaret Jensen – Far West Agribusiness Association  
Nathan Walker, unannounced affiliation  
Jesse DeLong – Valley Wide Co-op, Preston ID  
Ann Bates – Idaho Nursery and Landscape Association  
Mike Anderson – City of Coeur d’ Alene, ID  
Kyle Bair – Amalgamated Sugar, Nampa ID  
Gary Lowe – Amalgamated Sugar, Nampa, ID  
Ben Martin – City of Coeur d’ Alene, ID  
Jerre Fender – Key Ag Distributors, Murtaugh ID  
Becky Larson – Redox Ag, Burley ID  
Marvin Miller – Integrated Biological Systems Inc., Nampa ID

Department Staff: Jason Kittridge – Idaho State Department of Agriculture  
Nathan Price – Idaho State Department of Agriculture  
Kristen Hamilton – Idaho State Department of Agriculture  
Kay Haver – Idaho State Department of Agriculture  
Dallas Burkholder – Deputy Attorney General  
Katy DeVries – Deputy Attorney General

Lloyd Knight opened the meeting at 9:00 a.m. and outlined the rulemaking process and meeting expectations.

Andrea Thompson reviewed:

- Subchapter A – Commercial Feed. Purpose to make it congruent with the new additions of reference manuals. Removing what is already outlined in code. Consolidating and removing duplications. Guidelines for Human Grade to clarify how documentation will be handled. Removing duplications already found in statute. Removing cottonseed due to non-use.
- Subchapter B – Nurseries and Florists. Language proposed for deletion is already provided in statute.
- Subchapter C – Bee Inspection. Cleaning up text. Removing language unnecessary that is addressed in code or rule.
- Subchapter D – Fertilizer. Language proposed for deletion is already provided in statute or AAPFCO Official Publication. Language retained is unique to this rule and not addressed elsewhere.
  - Gary Lowe asked of the difference between the official publication and statute? Mr. Knight answered statute assumes priority but more detailed information from the official publication.
- Subchapter E – Soil and Plant Amendments. Removing duplication in statute or outline in publication

No other comments were offered by stakeholders.

Mr. Knight advised comments being accepted through April 29, 2022. Meeting adjourned at 9:28 a.m.

02.06.02 Rules Governing Registrations and Licenses  
Minutes of March 17, 2022, 9:00am  
Meeting held via Webex Conference

Attendees:

Hosts/Facilitators: Lloyd Knight – Idaho State Department of Agriculture  
Chanel Tewalt – Idaho State Department of Agriculture  
Andrea Thompson – Idaho State Department of Agriculture

Stakeholders Present: Margaret Jensen – Far West Agribusiness Association  
Jesse DeLong – Valley Wide Co-op  
David Jensen – Valley Agronomics  
Don Barowsky – Wilbur Ellis, Eagle ID  
Jim Grauberger – Bingham Ag. Services, Blackfoot ID  
Patxi Larrocea-Phillips – Association Management Group  
Brian Peterson – Stable Soil Matrix, Melba ID  
Ann Bates – Idaho Nursery Advisory Committee  
Juliet Marshall – University of Idaho  
Samara Arthur – University of Idaho  
Gary Lowe – Amalgamated Sugar, Nampa ID  
Cody, unannounced affiliation

Department Staff: Tina Eiman – Idaho State Department of Agriculture  
Jason Kittridge – Idaho State Department of Agriculture  
Nathan Price – Idaho State Department of Agriculture  
Kristen Hamilton – Idaho State Department of Agriculture  
Brenda Thomasson – Idaho State Department of Agriculture  
Dallas Burkholder – Deputy Attorney General

Lloyd Knight opened the meeting at 9:00am and outlined the rulemaking process and meeting expectations. This is the first of two meetings with the second to be held April 7, 2022.

Andrea Thompson reviewed:

- Subchapter A – Commercial Feed. Language proposed for deletion is already provided in statute or AAFCO Official Publication (OP). Language retained is unique to this rule and/or not addressed in the OP. New language proposed for Human Grade Claims to clarify how documentation will be handled.
- Subchapter B – Nurseries and Florists. Language proposed for deletion is already provided in statute or otherwise unnecessary.
- Subchapter C – Bee Inspection. Language proposed for deletion is already provided in statute or otherwise unnecessary.

- Subchapter D – Fertilizer. Language proposed for deletion is already provided in statute or AAPFCO Official Publication (OP). Language retained is unique to this rule and/or not addressed in the OP.
- Subchapter E – Soil and Plant Amendments. Language proposed for deletion is already provided in statute or AAPFCO Official Publication (OP).

No other comments were offered by stakeholders.

Mr. Knight announced the next meeting will be held April 7, 2022, at 9:00 a.m. Meeting adjourned at 9:35 a.m.