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Forrest Mangan, Region Executive Officer

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Dr. Scott Leibsle
State Veterinarian and Administrator
Division of Animal Industries
Idaho State Department of Agriculture
2270 Old Penitentiary Road
Boise, ID 83712

Dear Dr. Leibsle,

I write to request clarification on proposed changes to Idaho's livestock regulations, more specifically Idaho Administrative Code 02.04.26 – Rules Governing the Public Exchange of Livestock. The regulation is currently under review pursuant to Governor Little's Executive Order (EO) No. 2020-01 calling for Zero-Based Regulation with the aim of reducing overall regulatory burden. Many of the proposed changes to sections of 02.04.26 Subchapter A appear to be primarily in line with the EO's intent to review but not expand the regulations. However, some appear to be substantive. In those cases, we seek to better understand intent and potential implications to our member businesses.

Section 630 – Inspections

This section of the rule currently authorizes state and federal animal health officials to inspect "livestock records." The revisions appear to broaden the authorization to inspect "all records." Could you please clarify the intent behind this change, what records would be of interest, and whether it is meant to extend beyond animal traceability to financial or business records? Our member businesses maintain sensitive internal and consignor/buyer information (especially financial) and make every effort to safeguard it from being shared unnecessarily. This is especially true considering efforts occasionally made by parties adverse to animal agriculture using FOIA and similar records requests to gain business information.

Section 721 - Approved Forms of Identification

The proposed changes remove references to backtags and ear tags in favor of "USDA Approved Official Identification" as defined in Section 110.12 requiring a "nationally unique number" that is "permanently associated with an animal." The requirement that all livestock entering a public livestock market be individually identified to the herd of origin is clear in Section 720. However, "backtag" is still defined in Section 110.23 despite being removed from the list of approved identification. As you're likely aware, backtags are not "permanently" affixed to livestock, and are commonly utilized by livestock markets as a temporary but proven reliable identification

method—especially for direct-to-slaughter animals. Could you please clarify under what circumstances, if any, backtags would still be permitted for animal identification? Is the intent to phase-out backtags entirely in favor of USDA official identification methods such as RFID tags or the more narrow exceptions such as brand inspection (statement of ownership)?

Thank you for your time and for your continued efforts to balance the interests of animal health and traceability with business continuity and efficiency in Idaho. I look forward to your response and any additional guidance you can provide on these matters.

Sincerely,

Forrest Mangan
Region Executive Officer – Serving LMA Members in Idaho
Livestock Marketing Association