

IDAHO STATE DEPARTMENT OF AGRICULTURE

2270 Old Penitentiary Road

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Boise, ID 83707

02.04.05 Rules Governing Grade A Milk and Manufacture Grade Milk

Minutes of August 4, 2026

Meeting was held via Microsoft Teams

Attendees:

Dr. Scott Leibsle, Idaho State Department of Agriculture

Director Chanel Tewalt, Idaho State Department of Agriculture

Sydney Kennedy, Idaho State Department of Agriculture

Luke Driscoll, Idaho State Department of Agriculture

Mitch Vermeer, Idaho State Department of Agriculture

Marvin Patten, Milk Producers of Idaho

David Claiborne, Sawtooth Law, Idaho Dairymen's Association

Russ De Kruffy, Glanbia

Ryan Franco, Glanbia

Gary Halverson, Dairy Farmers of America

Ryan Holm, Idaho Milk Processors Association

Jamie Neill, Idaho Dairymen's Association

Joe Barrow, Idaho Milk Products

Travis Jones, Intermountain Milk Processors Association

Nick Luth, Agropur

Lloyd Knight, Office of Governor Brad Little

Michelle Berry, High Desert Milk

The meeting was called to order by Dr. Scott Leibsle at 1:31pm. Dr. Leibsle introduced the meeting as the second rule making meeting for 02.04.05.

Dr. Leibsle reviewed where to find rulemaking meetings and information on townhall.idaho.gov and agri.idaho.gov/laws-rules/rulemaking. Public comments can also be submitted to scott.leibsle@isda.idaho.gov.

Review of Current Rule and Proposed Changes

Dr. Leibsle presents redline change to the scope of the audit under, “Commencement of Audit” the scope of the audit can only be the 60-day proceeding the date of the request and the time period during which the audit is conducted.

Dr. Leibsle read public comment submitted by High Desert Milk https://agri.idaho.gov/wp-content/uploads/directors-office/FW_-ISDA-Milk-Quality-Negotiated-Rulemaking-meeting-Public-Comment.pdf

Ryan Holm spoke about regulatory burden for laboratories, asking Dr. Leibsle what would change for laboratory requirements and regulations.

Dr. Leibsle does not foresee additional requirements for laboratories, the expectation is a demonstration of transparency and consistency from all tests conducted.

David Claiborne, clarifies the intention behind the rule changes is to not change any laboratory standards.

Dr. Leibsle gives an overview of the same rule language presented 7/28.
https://agri.idaho.gov/wp-content/uploads/Rulemaking/020405_05222026-Official-Copy.pdf

Joe Barrow asked if the rule can be updated with language to include incorporated by reference to use the language, “most current edition” to eliminate the need for rulemaking every two years.

Dr. Leibsle clarified that the specific editions of reference documents must be specifically references with each update, as that is a change to the rule and must go through the rulemaking process.

Russ De Kruyf recommends a clarification to, “the buyer of milk”

Attendees agree to remove “processor and producer” from Section 271, Auditing Payments for Milk or Cream.

Gary Halverson asked if the audit report would be public information.

Dr. Leibsle clarifies that the report of the audit would be a public document. David Claiborne agrees, along with a clarification of what would have to be redacted from the final report.

Marvin brings up concern in Section 271, Auditing Payments for Milk or Cream, of the language, “most current edition of the Standard Methods for the Examination of Dairy Products” if it needs to be changes to 18th edition.

Dr. Leibsle notes that ISDA will update the rule language based on guidance from ISDA legal counsel.

Jamie Neil notes that IDA would be in favor of whatever ISDA lands on referencing the language, “most current edition” under section 271, Auditing Payments for Milk or Cream.

Gary Halverson asks if the audit committee members need additional legal protection.

Dr. Leibsle notes that section 59-509 indemnifies anyone serving on an audit committee.

Public Comment

No additional public comment.

Additional Review and Next Steps

Comment period will remain open for 10 days (August 14th) following this meeting.

Public comment can be submitted during meeting or written comment to scott.leibsle@isda.idaho.gov.

Adjournment: Dr. Leibsle adjourned meeting at 2:01pm.