

IDAHO STATE DEPARTMENT OF AGRICULTURE

2270 Old Penitentiary Road

PO Box 7249

Boise, ID 83707

02.04.05 Rules Governing Grade A Milk and Manufacture Grade Milk

Minutes of July 28, 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

Jonathan Milbourne, Idaho State Department of Agriculture

Sara Hoy, Idaho Milk Products

Shawn Burton, High Desert Milk

Travis Jones, Intermountain Milk Processors Association

David Claiborne, Sawtooth Law, Idaho Dairymen's Association

Gary Halverson, Dairy Farmers of America

Ryan Holm, Idaho Milk Processors Association

Nick Luth, Agropur

Marvin Patten, Milk Producers of Idaho

Dan Sievers, Idaho Milk Products

Ryan Franco, Glanbia

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 first 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 incorporation by reference updates based on the four governing documents for the Grade A Milk Rule to reflect FDA changes. <https://agri.idaho.gov/wp-content/uploads/2026/07/Grade-A-Milk-strawman-7.28.26.pdf>

Dr. Leibsle presents petition by industry establishing an auditing process for payment for milk and cream pursuant to Idaho Code sec. 37-506.

David Claiborne gives overview of proposed IDPA language in furtherance of implementing Idaho Code sec. 37-506. <https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2026/legislation/H0662.pdf>

Marvin Patten asked David Claiborne if the rule would cover milk quality testing that is not required by the state or the federal government. Marv has a concern of how any tests that are not required would be administered or validated.

David Claiborne responded that once a processor adopts a test that is used to determine price, it is subject to 37-506 and the audit committee process. The department would have to establish an approved certification process.

Dr. Leibsle clarified ISDA's role in certifying credentialed laboratories and how those labs are certified. He explains that the petition as read states that if a processor chooses to adopt additional testing on samples that impact payment, there would be an expectation that the performed test is able to be validated.

Dr. Leibsle presents administrative changes brought by the petition impacting IDAPA 02.04.05 https://agri.idaho.gov/wp-content/uploads/2026/07/Proposal_IDAPA-on-Milk-Testing-7.23.26.pdf

David Claiborne proposed change to rule draft the scope and timeline of the audit to more accurately reflect the request of the petition.

Dr. Leibsle clarifies that "5 days" in the rule refers to 5-business days.

Marvin Patten - Concern of timeline for split samples. Comparable conditions and timeframe need to be clarified in the rule. – Nick Luth agrees for the need for verification of lab procedures.

Dr. Leibsle states that the nature of the results would fall to the purview of the audit committee.

David Claiborne – The audit committee can handle the specifications of comparing split sample results. – Ryan Holm agrees.

Shawn Burton – Concern with audit requests being submitted within the 60-day period. Any samples over 24-hours old are not valid. – David agrees that there needs to be clarifying language for this. Processors may be in a position where before they start deducting from the value of milk, they would raise the concern to the state before the audit request.

Dr. Leibsle will change the language in section 271 clarifying scope of the audit.

Public Comment

No additional public comment.

Additional Review and Next Steps

Dr. Leibsle states next meeting will be on August 4th. Comment period will remain open for two weeks after August 4th meeting.

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

Adjournment: Dr. Leibsle adjourned meeting at 2:43pm.