

Swift River Farm
193 Hwy 93 N
Salmon, ID 83467



March 30, 2022

Lloyd Knight
Rules Review Officer
Idaho Department of Agriculture
Lloyd.Knight@ISDA.IDAHO.GOV

Hello,

We are submitting a request to make a change to the Idaho Preferred rules for Participation Fees as shown below:

In section 100. 01. Annual Fee:

We would like this change to read as the following:

- A. Annual Fee not to exceed \$1,000;
- B. and Annual Fee will also be offered on a sliding scale (from \$0 - \$1,000) for any participant who determines they need it. This determination will be self-reported.

Reasons for our request:

As a small farm business in the state of Idaho, we are increasingly asked to pay licensing fees, application fees, participation fees, inspection fees, fees associated with those inspections (paying for agency and organizational staff time, travel, and hourly wages) and at the same time, provide healthy, affordable, and accessible Idaho grown food products. We wonder what Idaho Preferred is doing to increase justice, diversity, equity and inclusion in this program for people who may not have the resources to afford and/or navigate yet another additional fee.

As growers in a rural part of eastern Idaho, We are sorry to say that we have not found Idaho Preferred to provide very progressive or contemporary marketing for the annual fee required. It seems most of the limited resources, grower highlights, networking opportunities and social media posts are focused on the western and southwestern regions of our state. This has been pretty status quo for most agricultural programs here in Idaho, as well. We feel strongly that a sliding scale would help support more limited resource participants engage with the program without undue financial burden. This may also help encourage Idaho Preferred to expand its reach to other, underserved regions of the state.

Thank you for your time and consideration,

Jessica McAleese

Swift River Farm
www.swiftriverfarm.org
208-221-8390
Salmon, ID

From: [Lloyd Knight](#)
To: [Chanel Tewalt](#); [Laura Johnson](#)
Subject: FW: {External}Producer comments to proposed changes to Idaho Preferred
Date: Thursday, March 31, 2022 9:56:55 AM
Attachments: [Swift River Farm comment.pdf](#)

From: Swift River Farm <swiftriverfarm@hotmail.com>
Sent: Wednesday, March 30, 2022 5:04 PM
To: Lloyd Knight <Lloyd.Knight@ISDA.IDAHO.GOV>
Subject: {External}Producer comments to proposed changes to Idaho Preferred

Hello,

Please see the attached letter with our comments to the Idaho Preferred rules review.
Thank you

Jessica

~~~~

Swift River Farm

<https://protect-us.mimecast.com/s/9QiNC2kNqWUK19X7snbtly?domain=swiftriverfarm.org>

208-221-8390

[swiftriverfarm@hotmail.com](mailto:swiftriverfarm@hotmail.com)



ZZ Foods LLC  
5033 E. Sagewood Dr.  
Boise, ID 83716

March 28, 2022

Lloyd Knight  
Rules Review Officer  
Idaho Department of Agriculture  
[Lloyd.Knight@ISDA.IDAHO.GOV](mailto:Lloyd.Knight@ISDA.IDAHO.GOV)

We are submitting a request to make a change to the Idaho Preferred rules for Product Qualification as shown below:

In section 200.02. b. we would like a change made to read the following:

**- b. Processed foods and beverages shall contain a minimum of twenty percent (20%) agricultural content by weight that has been grown or raised in Idaho and processed in the state of Idaho OR processed foods and beverages that contain over fifty percent (50%) agricultural content by weight that has been grown or raised in Idaho may be processed outside the state of Idaho but must be processed in the United States.**

Reasons for our request: as small businesses grow in the state of Idaho, it is becoming more and more difficult to find production facilities that cater to mid-level production needs and financing. Finding a production partner out of state is a feasible option for growth that allows small to mid-size business in Idaho to continue to grow, market and distribute Idaho grown products regionally. If this exception is passed we would be able to retain more of our Idaho Preferred members as well as market our Idaho added value products throughout the state and within the Pacific Northwest. This will also provide more members access to the program.

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## **200.PRODUCT QUALIFICATION.**

**02. General Product Qualifications.** Except as specified in this chapter, or by written order of the Director, products must meet or exceed the following criteria: (3-16-04)

a. Fresh produce and commodities bearing the Idaho Preferred® logo shall be one hundred percent (100%) Idaho grown or raised. (4-2-08)

**b. Processed foods and beverages shall contain a minimum of twenty percent (20%) agricultural content by weight that has been grown or raised in Idaho and shall be processed in the state of Idaho. (4-2-08)**

Thank you for the consideration,

**Janine Zacca Zenner**

Zacca Hummus

[208.850.6782](tel:208.850.6782) (main)

[208.932.9691](tel:208.932.9691) (fax)

[www.zaccahummus.com](http://www.zaccahummus.com)

**From:** [Zacca Hummus](#)  
**To:** [Laura Johnson](#)  
**Cc:** [Chanel Tewalt](#); [Erica White](#); [Anne Struthers](#); [Dawn Larzelier](#); [Lloyd Knight](#)  
**Subject:** Re: {External}RE: Idaho Preferred Rules Review: Public Input Needed!  
**Date:** Wednesday, March 30, 2022 2:58:40 PM

---

Great news! I truly value my membership in Idaho Preferred!!  
Janine

On Mar 30, 2022, at 2:14 PM, Laura Johnson <Laura.Johnson@isda.idaho.gov> wrote:

Thanks, Janine. Glad to hear this language would work for you. We are proposing quite a few changes to the rules and are excited about making the program even better!

Laura

<!--[if !vml]-->  
<image001.jpg>  
<!--[endif]--> Laura M. Johnson

Bureau Chief | Marketing and Development  
Idaho State Department of Agriculture  
PO Box 7249 | Boise, ID 83707  
O: 208-332-8533 | C: 208-867-6005

**We promote, connect, and educate Idaho producers to help them grow their marketplace**

---

**From:** jzzenner@zaccahummus.com <jzzenner@zaccahummus.com>  
**Sent:** Wednesday, March 30, 2022 2:04 PM  
**To:** Laura Johnson <Laura.Johnson@ISDA.IDAHO.GOV>  
**Cc:** Chanel Tewalt <Chanel.Tewalt@ISDA.IDAHO.GOV>; Erica White <Erica.White@ISDA.IDAHO.GOV>; Anne Struthers <Anne.Struthers@ISDA.IDAHO.GOV>; Dawn Larzelier <Dawn.Larzelier@isda.idaho.gov>; Lloyd Knight <Lloyd.Knight@ISDA.IDAHO.GOV>  
**Subject:** RE: {External}RE: Idaho Preferred Rules Review: Public Input Needed!

Hi Laura,  
That is much clearer and yes – would definitely include the majority of producers that chose to relocate production or need out of state co-packing options.  
I hope it is accepted!  
Thank you for sharing this input!  
Janine

**Janine Zacca Zenner**  
**Managing Partner/Zacca Hummus**  
**Mobile** 208-850-6782  
**Web** [www.zaccahummus.com](http://www.zaccahummus.com)

Email [jzenner@devancofoods.com](mailto:jzenner@devancofoods.com)

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**From:** Laura Johnson <[Laura.Johnson@ISDA.IDAHO.GOV](mailto:Laura.Johnson@ISDA.IDAHO.GOV)>  
**Sent:** Wednesday, March 30, 2022 9:09 AM  
**To:** [jzenner@zaccahummus.com](mailto:jzenner@zaccahummus.com)  
**Cc:** Chanel Tewalt <[Chanel.Tewalt@ISDA.IDAHO.GOV](mailto:Chanel.Tewalt@ISDA.IDAHO.GOV)>; Erica White <[Erica.White@ISDA.IDAHO.GOV](mailto:Erica.White@ISDA.IDAHO.GOV)>; Anne Struthers <[Anne.Struthers@ISDA.IDAHO.GOV](mailto:Anne.Struthers@ISDA.IDAHO.GOV)>; Dawn Larzelier <[Dawn.Larzelier@isda.idaho.gov](mailto:Dawn.Larzelier@isda.idaho.gov)>; Lloyd Knight <[Lloyd.Knight@ISDA.IDAHO.GOV](mailto:Lloyd.Knight@ISDA.IDAHO.GOV)>  
**Subject:** RE: {External}RE: Idaho Preferred Rules Review: Public Input Needed!

Janine,

Thank you for your comments. We realize this is an issue and had proposed a change to the processed foods and beverages section in the attached strawman. The section on page 4 reads as follows:

<image006.png>

What are your thoughts on the above language? Will it help meet your needs?

Laura

<!--[if !vml]-->  
<image004.jpg>  
<!--[endif]-->Laura M. Johnson

Bureau Chief | Marketing and Development  
Idaho State Department of Agriculture  
PO Box 7249 | Boise, ID 83707  
O: 208-332-8533 | C: 208-867-6005

**We promote, connect, and educate Idaho producers to help them grow their marketplace**

---

**From:** Lloyd Knight <[Lloyd.Knight@ISDA.IDAHO.GOV](mailto:Lloyd.Knight@ISDA.IDAHO.GOV)>  
**Sent:** Monday, March 28, 2022 9:44 PM  
**To:** [jzenner@zaccahummus.com](mailto:jzenner@zaccahummus.com)  
**Cc:** Laura Johnson <[Laura.Johnson@ISDA.IDAHO.GOV](mailto:Laura.Johnson@ISDA.IDAHO.GOV)>; Chanel Tewalt <[Chanel.Tewalt@ISDA.IDAHO.GOV](mailto:Chanel.Tewalt@ISDA.IDAHO.GOV)>  
**Subject:** RE: {External}RE: Idaho Preferred Rules Review: Public Input Needed!

Thanks Janine. We will get them posted to the website and will be sure to discuss at the next

meeting.

Lloyd B. Knight  
Administrator, Division of Plant Industries  
Agency Rules Review Officer  
Idaho State Department of Agriculture  
Office: (208)332-8664  
Mobile: (208)859-4173

---

**From:** [jzenner@zaccahummus.com](mailto:jzenner@zaccahummus.com) <[jzenner@zaccahummus.com](mailto:jzenner@zaccahummus.com)>  
**Sent:** Monday, March 28, 2022 10:08 AM  
**To:** Lloyd Knight <[Lloyd.Knight@ISDA.IDAHO.GOV](mailto:Lloyd.Knight@ISDA.IDAHO.GOV)>  
**Subject:** {External}RE: Idaho Preferred Rules Review: Public Input Needed!

Hello Lloyd,  
We will not be able to attend the meeting, but would like the attached rule changed to be considered.  
Thank you!  
Janine

**Janine Zacca Zenner**  
Founder/Managing Partner  
Zacca Hummus  
[208.850.6782](tel:208.850.6782) (cell)  
[www.zaccahummus.com](http://www.zaccahummus.com)  
<https://www.facebook.com/zaccahummus>  
<image008.jpg>

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**From:** Idaho Preferred <[eventregistration@isda.idaho.gov](mailto:eventregistration@isda.idaho.gov)>  
**Sent:** Monday, March 28, 2022 9:15 AM  
**To:** [jzenner@zaccahummus.com](mailto:jzenner@zaccahummus.com)  
**Subject:** Idaho Preferred Rules Review: Public Input Needed!

<image009.jpg>

<[image009.jpg](#)>

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[<image009.jpg>](#)

## Public Input Requested: Zero-Based Rulemaking Sessions

**Your input is requested for a complete review of the Idaho Preferred program rules.**

Idaho Preferred is a program of the Idaho State Department of Agriculture (ISDA) and is governed by administrative rules. ISDA is currently reviewing existing rules for redundancy and inefficiencies to streamline the Idaho Preferred program eligibility and member requirements, consistent with the Governor's Zero-Based Regulation (ZBR) Executive Order.

Those interested in participating in the negotiated rulemaking process are encouraged to attend the scheduled meeting via telephone and web conferencing. For those who cannot participate by attending the meeting, information for submitting written comments is provided below.

**Your input on proposed rule changes is invaluable!**

To attend via WebEx Meeting,

**The second and final public input session is scheduled for April 4, 2022 from 9am - 11am MST.**

Individuals interested in participating by telephone and web conferencing should contact [rulesinfo@isda.idaho.gov](mailto:rulesinfo@isda.idaho.gov).

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before April 8, 2022.

Lloyd Knight  
Rules Review Officer  
Idaho Department of Agriculture

[Lloyd.Knight@ISDA.IDAHO.GOV](mailto:Lloyd.Knight@ISDA.IDAHO.GOV)

**Proposed changes in the straw man draft can be read here:**

<https://agri.idaho.gov/main/i-need-to/see-lawsrules/rulemaking/2022-2023-rulemaking/rules-governing-the-idaho-preferred-program-02-01-04/>

Idaho has enacted Zero-Based Rule Making policies. See the Executive Order, signed by Gov. Little:

<https://gov.idaho.gov/wp-content/uploads/sites/74/2020/01/eo-2020-01.pdf>

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<image009.jpg><image009.jpg> **Our Mission: To connect Idaho agriculture producers with consumers, retailers, and foodservice to grow their marketplace.**

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**Be sure to follow along on our social media (Facebook, Instagram, YouTube, and Pinterest) to hear about upcoming events and catch all the Idaho Preferred Buzz!**

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Idaho State Department of Agriculture | 2270 Old Penitentiary Road, Boise, ID 83712

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**02.01.04 – RULES GOVERNING THE VOLUNTARY IDAHO PREFERRED® PROMOTION PROGRAM**

**000. LEGAL AUTHORITY.**

~~This chapter is adopted under the legal authority of~~ Section 22-112, Idaho Code. ( )

**001. ~~TITLE AND SCOPE.~~**

~~01. Title. The title of this chapter is IDAPA 02.01.04, “Rules Governing the Voluntary Idaho Preferred® Promotion Program.” ( )~~

~~012. Scope. These rules govern the participation in, and product selection criteria for the voluntary Idaho Preferred® program. The program was developed by the Idaho State Department of Agriculture to identify and promote food and agricultural products from the state of Idaho, elevate consumer awareness of such products, and assist in developing opportunities for sale of such products. These rules establish the requirements for the use of the Idaho Preferred® logo and will define eligible products, application procedures, and participation fees. ( )~~

**002. -- 009. (RESERVED)**

**010. DEFINITIONS.**

The following definitions apply: ~~in the interpretation and enforcement of this chapter.~~ ( )

**01. Agricultural Product.** Any fresh or processed apicultural, aquacultural, avicultural, beverage, cervidae, dairy, horticultural, livestock, forestry, viticultural, or other farm or garden product. ( )

**02. Apicultural Product.** Products produced from or related to honey bees or honey. ( )

**03. Aquacultural Product.** Products produced from or related to fish, reptiles, or other aquatic animals. ( )

**04. Avicultural Product.** Products produced from or related to birds, including but not limited to, ratites or poultry. ( )

**05. Beverage.** Drinks including but not limited to wine, beer, distilled spirits, bottled water, or flavored drinks. ( )

~~06. Broker. A sales and marketing agent employed to make bargains and contracts for compensation. ( )~~

~~07 06. Cervidae Product.~~ Products produced from or related to fallow deer, elk, or reindeer owned by a person. ( )

~~07. Co-Packer. A co-packer is a food processor that processes and packages products for clients for a fee. ( )~~

**08. Dairy Product.** Products produced from or related to milk from cattle, goats, or sheep. ( )

~~09. Florist Stock. All cut flowers, foliage and ferns, all potted plants or cuttings or bedding plants, and all flowering bulbs and rooted herbaceous plants used for ornamental or decorative purposes and all corms, whether grown in boxes, benches, pots, under glass or other artificial covering, or in the field or open ground or cuttings therefrom. ( )~~

~~10. Foodservice. A person engaged in or related to the practice of commercial food preparation and service. ( )~~

~~11 09. Forest Products.~~ All products made of wood fiber such as timber, wood chips, sawdust or

shavings, including but not limited to lumber, paper, particleboard, fence or corral posts or rails, shingles, shakes, firewood or pellets, logs used in the construction of log homes or any other product sold commercially. ( )

~~12 10.~~ **Fresh Produce, and Commodities, and Fresh Meat.** Bulk or packaged agricultural products that have been cleaned, sorted, or otherwise prepared and are sold or distributed in an unprocessed or minimally processed condition. ( )

~~13 11.~~ **Horticultural Products.** Plants, including but not limited to, fruits, vegetables, flowers, seeds, or ornamental plants. ( )

~~14 12.~~ **Livestock.** Domestic animals including but not limited to cattle, sheep, pigs, goats, domestic cervidae, domestic bison, camelids, or horses. ( )

~~15 13.~~ **Livestock Product.** Products produced from or related to livestock. ( )

~~16 14.~~ **Non-Food Agricultural Products.** Products not intended for human consumption, including but not limited to, animal feed, compost, hides, or skins. ( )

~~17 15.~~ **Supporting Organization.** Any commission, association, or incorporated group supporting the efforts of the Idaho Preferred<sup>®</sup> program. ( )

~~18 16.~~ **Nursery Stock.** All botanically classified plants or any part thereof, such as aquatic or herbaceous plants, bulbs, sod, buds, corms, culms, roots, scions, grafts, cuttings, fruit pits, seeds of fruits, forest and ornamental trees, and shrubs, berry plants, and all trees, shrubs, vines, and plants collected in the wild that are grown or kept for propagation or sale. Nursery stock does not include field and forage crops, seeds of grasses, cereal grains, vegetable crops and flowers, bulbs and tubers of vegetable crops, vegetables or fruit used for food or feed, cut trees or cut flowers unless stems or other portions thereof are intended for propagation. ( )

~~19.~~ ~~**Packer/Shipper.** A person who packages and ships food or agricultural products to wholesalers, retailers, and other outlets.~~ ( )

~~20 17.~~ **Participant.** A person who has applied to the Department and been approved for participation in the Idaho Preferred<sup>®</sup> program. ( )

~~21 18.~~ **Processed Food.** Any food product which has been transformed from its natural state by methods including but not limited to freezing, cutting, heating, drying, treating, or adding ingredients. ( )

~~22 19.~~ **Processor.** A person engaged in the manufacturing of processed food. ( )

~~23 20.~~ **Producer.** A person engaged in the business of growing or raising food, fiber, feed, or other agricultural products. ( )

~~24.~~ ~~**Retailer.** A person engaged in making sales directly to consumers.~~ ( )

~~25 21.~~ **Viticultural Products.** Products produced from or related to grapes and wine. ( )

~~26.~~ ~~**Wholesaler.** A person who buys in comparatively large quantities and then resells, usually in smaller quantities, but never directly to the consumer.~~ ( )

**011. -- 01499. (RESERVED)**

~~015. — VOLUNTARY PROGRAM.~~  
~~The Idaho Preferred<sup>®</sup> program is a voluntary promotion program.~~ ( )

~~016. -- 099. (RESERVED)~~

**100. APPLICATION FOR PARTICIPATION.**

~~01. Application Requirement. Persons interested in becoming a participant in the Idaho Preferred® program shall do so by making application to the Department on forms established by the Director. New applications may be submitted at any time throughout the year. Applications will be made on a form prescribed by the Department, must be complete, and may be submitted any time of the year. ( )~~

~~02. Application Review and Compliance Verification. The Director, upon receipt of an application, will verify the applicant's compliance with this chapter and approve or deny the application. The Director will notify the applicant in writing of the approval or denial. ( )~~

**101. PARTICIPATION DURATION AND RENEWAL.**

~~01. Duration. Participation is on an annual basis, coinciding with the fiscal calendar year beginning July January 1 and ending June December 30, unless otherwise provided for in this chapter. ( )~~

~~02. Renewing Participation. Renewals shall be submitted on forms established by the Director and will be due August 1. ( )~~

~~03. Reporting on Use of Logo. Participants renewing with the Department will report their use of the Idaho Preferred® logo from the concluding program year. The report will include, but may not be limited to, information regarding how the Idaho Preferred® logo was used. ( )~~

**102. -- 109. (RESERVED)**

**110. PARTICIPATION FEES.**

~~01. Annual Fee. Participation fees will be listed in the participation application and will not exceed one thousand dollars (\$1,000). ( )~~

~~02. Participation Categories: ( )~~

~~a. Producer. ( )~~

~~b. Paacker/Shipper/Processor. ( )~~

~~c. Supporting Organization. ( )~~

~~d. Retail/Foodservice. ( )~~

~~e. Broker/Distributor. ( )~~

~~03. Pro Rated Fees. New participation agreements issued during the program year will be assessed one hundred percent (100%) of the annual fee if applying between July 1 and December 31 and fifty percent (50%) of the fee if applying between January 1 and June 30. ( )~~

~~04. Participation in Multiple Categories. Persons qualifying in multiple participation categories shall be assessed the greater of participation fees. ( )~~

**111. PARTICIPATION PRIVILEGES.**

~~Participants will benefit from privileges including: ( )~~

~~01. Use of the Idaho Preferred® Logo. Use of the Idaho Preferred® Logo on product labels, advertising, signage, or other promotional materials as allowed by the department. ( )~~

~~02. Listing. Listing In Idaho Preferred® Product Directories. ( )~~

~~03. Promotion. Promotion through advertising, retail and foodservice promotions, consumer and education events, and the Idaho Preferred® website. ( )~~

~~04. Visibility. Visibility from the department's promotion activities. ( )~~

112. -- 199. (RESERVED)

## 200. PRODUCT QUALIFICATION.

**01. Authority of Determination.** The Director has sole authority in determining the eligibility of a product for participation in the program. ( )

~~02. General Product Qualifications. Except as specified in this chapter, or by written order of the Director, products must meet or exceed the following criteria: ( )~~

~~A-02. Fresh produce and commodities. Fresh produce and commodities bearing the Idaho Preferred® logo shall be one hundred percent (100%) Idaho grown or raised. ( )~~

~~B-03. Processed foods and beverages. Processed foods and beverages shall: ( )~~

~~i. a. Contain a minimum of twenty percent (20%) agricultural content by weight that has been grown or raised in Idaho; and ( )~~

~~ii. b. Be processed in the state of Idaho. ( )~~

~~c. If a company registered in Idaho uses a co-packing facility and an acceptable co-packing facility is not available in Idaho, the company may request an exception from the Director under section 200.15 ( )~~

~~e 04. Non-food agricultural products. must bBe at least twenty percent (20%) agricultural content by weight that has been grown or raised in Idaho and processing must occur in Idaho. ( )~~

~~03-05. Potatoes. Only certification marks owned or administered by the Idaho Potato Commission may be branded on potatoes grown in Idaho unless prior Idaho Potato Commission approval in writing is secured and granted for the use of additional words or designs. Any person or participant applying to the Idaho Preferred® program, with the intention to promote Idaho-grown potatoes or products made from Idaho-grown potatoes, shall provide proof of such permission prior to making application with the Department. ( )~~

~~04 06. Wine. Wines shall eC contain a minimum of ninety-five percent (95%) Idaho grapes. ( )~~

~~05 07. Beer. Beer shall: ( )~~

~~a. Be brewed in Idaho; and ( )~~

~~b. Contain at least one (1) Idaho agricultural product such as Idaho malt, Idaho wheat or Idaho hops, or soluble remnant thereof, but excluding water. ( )~~

~~06 08. Water. Water must bBe extracted from an Idaho water source. ( )~~

~~07-09. Nursery Stock. Nursery stock shall have been gGrown in Idaho a minimum of one (1) growing season or growing cycle. ( )~~

~~08. Beef and Beef Products. Beef and beef products shall come from cattle that: ( )~~

~~a. Were born, raised and harvested in the United States. No cattle that originate from outside the United States may qualify for the Idaho Preferred® logo. ( )~~

~~b. Are raised, fed, or processed in Idaho. ( )~~

~~c. Are processed in federally inspected plants. ( )~~

~~09. Lamb and Lamb Products. Lamb and lamb products shall come from sheep that: ( )~~

~~a. Are born, raised and harvested in the United States. No lambs that originate from, or reside for any portion of their life outside the United States may qualify for the Idaho Preferred® logo. ( )~~

~~b. Have grazed or been fed in Idaho at least three (3) months prior to harvest. The three (3) months need not be contiguous, but must be verifiable. ( )~~

~~c. Are processed at approximately one (1) year of age or less and qualify as lamb or carcasses from older animals, identified as mutton by USDA inspectors, may qualify if they have met requirements in Subsection 200.07.b. ( )~~

~~10. Pork and Pork Products. Pork and pork products shall come from hogs that: ( )~~

~~a. Are born, raised and harvested in the United States. No hogs that originate from, or reside for any portion of their life outside the United States may qualify for the Idaho Preferred® logo. ( )~~

~~b. Are raised in or processed in Idaho. ( )~~

~~c. Are processed at less than one (1) year of age unless used exclusively for ground pork or sausage products, and are processed in a federally inspected plant. ( )~~

~~010. Livestock Products. Come from livestock that: ( )~~

~~a. Were born, raised and harvested in the United States. No livestock that originate from outside the United States may qualify. ( )~~

~~b. Are raised, grazed, fed, or processed in Idaho. ( )~~

~~11. Poultry and Poultry Products. Poultry and poultry products shall eC~~ Come from fowl that: ( )

~~a. Are hatched, raised and harvested in the United States. No fowl that originate from, or reside for any portion of their life outside the United States may qualify for the Idaho Preferred® logo. ( )~~

~~b. Are raised and processed in Idaho. Fertile eggs, also known as hatching eggs, or chicks less than three (3) days of age that originate outside of Idaho, but are raised and or processed in Idaho, may qualify for Idaho Preferred®. ( )~~

~~c. Are processed in a facility that is approved through a District Health Department for retail sales, or in a federally inspected plant. ( )~~

~~12. Game Meat. Game meat shall: ( )~~

~~a. Come from domestic Cervidae that are born, raised and processed in Idaho and originate from a facility regulated by the Idaho State Department of Agriculture. ( )~~

~~b. Come from domestic buffalo that are born, raised and processed in Idaho. ( )~~

~~c. Be processed in a federally inspected plant. ( )~~

~~13 12. Apicultural Products. Products produced by honey bees including honey, wax, pollen, and~~

propolis shall be one hundred percent (100%) Idaho origin. Processed honey shall be eighty percent (80%) Idaho origin. ( )

**14 13. Forest Products.** ~~Forest products shall:~~ ( )

a. Contain a minimum of eighty percent (80%) of their wood fiber content from trees grown in Idaho; and ( )

b. Be manufactured in Idaho. ( )

**15-14. Exceptions.** The Director has the authority to establish product qualification requirements specific to individual products and commodities by written order. ( )

**201. -- 299. (RESERVED)**

**300. LOGO.**

The Idaho Preferred® logo has been registered by the Department with the United States Library of Congress (Copyright registration), the United States Patent and Trademark Office (Certification Mark registration), the Idaho Secretary of State (Certificate of Trademark) and is afforded all protections provided for by law. The logo shall be used only by those participants in compliance with this chapter. The ~~Director~~ Department will ~~establish by written order provide~~ a logo style manual specifying approved colors, treatments, and fonts for the Idaho Preferred® logo. ( )

~~01. Description of the Idaho Preferred® Logo. The Idaho Preferred® logo is an oval background containing a snow-capped mountain range topped with a sunburst. The word "IDAHO" appears in Brand Idaho logotype, and a banner emblazoned with the word "PREFERRED" scrolls across the bottom of the logo. ( )~~

~~02. Graphic Depiction of the Idaho Preferred® Logo:~~



( )

**03 1. Approval for Use of Logo.** Participants who wish to use the Idaho Preferred® logo on packaging, labels, flyers, promotional materials, or any other materials that will be viewed by the public must submit a proof of text and design to the Department for approval. Requests for approval must be submitted to the Idaho State Department of Agriculture, Marketing Division not less than five (5) working days prior to the proposed date of use. Written approval from the Department for logo use must be issued prior to use of the logo. ( )

~~02. Repeal of Approval of Use of Logo. The Department reserves the right to repeal the approval of the use of the logo. The Department will provide notice in writing and the participant must cease use immediately. ( )~~

~~301. SPECIAL PROMOTIONAL ACTIVITIES.~~

~~01. Activities. The Department may engage in special promotional activities including, but not limited to, advertising, product demonstrations, events, publicity, and cooperative activities. The Department may invite participants in the Idaho Preferred® program to participate in any activities. ( )~~

~~02. Fees. The Department may assess a separate fee for any special promotional activity. This fee will~~

~~not exceed the actual cost of conducting the activity.~~ ( )

**302. OTHER IDAHO PROMOTION PROGRAMS.**

**01. Commodity-Specific Promotion Programs.** Commissions, boards, associations, or other organizations authorized by statute to promote or regulate agricultural products grown, packed, or processed in the state of Idaho ~~shall be~~ are the primary and principal promotion and certification mark and trademark organizations for the particular commodity they are authorized to promote or regulate. ( )

**02. Ownership of Marks.** Any trademarks, certification marks, brands, seals, logos or other identification marks, that are established, owned or used by such commissions, boards, associations or organizations ~~shall~~ remain their sole property. Any use or infringement of their ownership right is prohibited unless written permission is obtained from an authorized representative of the commission, board, association or organization. ( )

**303. DISTRIBUTION OF PROMOTIONAL MATERIAL.**

**01. Authorized Use.** The Idaho Preferred® program has the authority to provide retail and food service outlets, farmers' markets, schools, media, fairs, and other such businesses, organizations, and venues the opportunity to promote Idaho food and agricultural products using the program logo and promotional materials. Open distribution of any and all point-of-sale materials, signage, advertising, identification placards, and other such promotional material, in accordance with this chapter and other applicable laws and precedent, is acceptable use and not considered an infringement on the ownership rights of any mark or seal of a supporting organization as defined in this chapter. ( )

~~**02. Fees.** The Department may assess a fee for promotional materials such as, but not limited to, banners, stickers, signs, aprons, shopping bags, etc.~~ ( )

**304. -- 309. (RESERVED)**

**310. SELF-CERTIFICATION.**

All participants shall self-certify that all products marked with the Idaho Preferred® logo meet the qualification criteria as set forth in this chapter. Self-certification is subject to verification through the application and compliance process. ( )

**311. COMPLIANCE.**

**01. Authority of Director.** The Director has the authority to enter upon the premises of any participant to examine and copy any of the following items: ( )

- a. Books, papers, records, ledgers, journals, electronically or magnetically recorded data: ( )
- b. Computers and computer records or memoranda bearing on the usage of the Idaho Preferred® logo; and ( )
- c. To secure all other information concerned in the enforcement of these rules. ( )

**02. Random Compliance Inspection.** The Director ~~shall~~ may ~~annually~~ perform random compliance inspections. ( )

**03. Samples.** The participant shall, upon the request of the Director, provide samples of the participant's labels, packaging, merchandising, and promotional materials featuring the Idaho Preferred® logo. ( )

**312. -- 314. (RESERVED)**



**315. VIOLATION.**

Any person found in violation of these rules is subject to termination of participation privileges. ( )

**316. -- 999. (RESERVED)**

**02.01.04 – RULES GOVERNING THE VOLUNTARY IDAHO PREFERRED® PROMOTION PROGRAM**

**000. LEGAL AUTHORITY.**

~~This chapter is adopted under the legal authority of~~ Section 22-112, Idaho Code. ( )

**001. ~~TITLE AND SCOPE.~~**

~~01. Title. The title of this chapter is IDAPA 02.01.04, “Rules Governing the Voluntary Idaho Preferred® Promotion Program.” ( )~~

~~012. Scope. These rules govern the participation in, and product selection criteria for the voluntary Idaho Preferred® program. The program was developed by the Idaho State Department of Agriculture to identify and promote food and agricultural products from the state of Idaho, elevate consumer awareness of such products, and assist in developing opportunities for sale of such products. These rules establish the requirements for the use of the Idaho Preferred® logo and will define eligible products, application procedures, and participation fees. ( )~~

**002. -- 009. (RESERVED)**

**010. DEFINITIONS.**

The following definitions apply: ~~in the interpretation and enforcement of this chapter.~~ ( )

**01. Agricultural Product.** Any fresh or processed apicultural, aquacultural, avicultural, beverage, cervidae, dairy, horticultural, livestock, forestry, viticultural, or other farm or garden product. ( )

**02. Apicultural Product.** Products produced from or related to honey bees or honey. ( )

**03. Aquacultural Product.** Products produced from or related to fish, reptiles, or other aquatic animals. ( )

**04. Avicultural Product.** Products produced from or related to birds, including but not limited to, ratites or poultry. ( )

**05. Beverage.** Drinks including but not limited to wine, beer, distilled spirits, bottled water, or flavored drinks. ( )

~~06. Broker. A sales and marketing agent employed to make bargains and contracts for compensation. ( )~~

~~07 06. Cervidae Product.~~ Products produced from or related to fallow deer, elk, or reindeer owned by a person. ( )

~~07. Co-Packer. A co-packer is a food processor that processes and packages products for clients for a fee. ( )~~

**08. Dairy Product.** Products produced from or related to milk from cattle, goats, or sheep. ( )

~~09. Florist Stock. All cut flowers, foliage and ferns, all potted plants or cuttings or bedding plants, and all flowering bulbs and rooted herbaceous plants used for ornamental or decorative purposes and all corms, whether grown in boxes, benches, pots, under glass or other artificial covering, or in the field or open ground or cuttings therefrom. ( )~~

~~10. Foodservice. A person engaged in or related to the practice of commercial food preparation and service. ( )~~

~~11 09. Forest Products.~~ All products made of wood fiber such as timber, wood chips, sawdust or

shavings, including but not limited to lumber, paper, particleboard, fence or corral posts or rails, shingles, shakes, firewood or pellets, logs used in the construction of log homes or any other product sold commercially. ( )

~~12 10. Fresh Produce, and Commodities, and Fresh Meat.~~ Bulk or packaged agricultural products that have been cleaned, sorted, or otherwise prepared and are sold or distributed in an unprocessed or minimally processed condition. ( )

~~13 11. Horticultural Products.~~ Plants, including but not limited to, fruits, vegetables, flowers, seeds, or ornamental plants. ( )

~~14 12. Livestock.~~ Domestic animals including but not limited to cattle, sheep, pigs, goats, domestic cervidae, domestic bison, camelids, or horses. ( )

~~15 13. Livestock Product.~~ Products produced from or related to livestock. ( )

~~16 14. Non-Food Agricultural Products.~~ Products not intended for human consumption, including but not limited to, animal feed, compost, hides, or skins. ( )

~~17 15. Supporting Organization.~~ Any commission, association, or incorporated group supporting the efforts of the Idaho Preferred<sup>®</sup> program. ( )

~~18 16. Nursery Stock.~~ All botanically classified plants or any part thereof, such as aquatic or herbaceous plants, bulbs, sod, buds, corms, culms, roots, scions, grafts, cuttings, fruit pits, seeds of fruits, forest and ornamental trees, and shrubs, berry plants, and all trees, shrubs, vines, and plants collected in the wild that are grown or kept for propagation or sale. Nursery stock does not include field and forage crops, seeds of grasses, cereal grains, vegetable crops and flowers, bulbs and tubers of vegetable crops, vegetables or fruit used for food or feed, cut trees or cut flowers unless stems or other portions thereof are intended for propagation. ( )

~~19. Packer/Shipper. A person who packages and ships food or agricultural products to wholesalers, retailers, and other outlets.~~ ( )

~~20 17. Participant.~~ A person who has applied to the Department and been approved for participation in the Idaho Preferred<sup>®</sup> program. ( )

~~21 18. Processed Food.~~ Any food product which has been transformed from its natural state by methods including but not limited to freezing, cutting, heating, drying, treating, or adding ingredients. ( )

~~22 19. Processor.~~ A person engaged in the manufacturing of processed food. ( )

~~23 20. Producer.~~ A person engaged in the business of growing or raising food, fiber, feed, or other agricultural products. ( )

~~24. Retailer. A person engaged in making sales directly to consumers.~~ ( )

~~25 21. Viticultural Products.~~ Products produced from or related to grapes and wine. ( )

~~26. Wholesaler. A person who buys in comparatively large quantities and then resells, usually in smaller quantities, but never directly to the consumer.~~ ( )

011. -- 01499. (RESERVED)

~~015. VOLUNTARY PROGRAM.~~  
~~The Idaho Preferred<sup>®</sup> program is a voluntary promotion program.~~ ( )

~~016. -- 099. (RESERVED)~~

**100. APPLICATION FOR PARTICIPATION.**

~~01. **Application Requirement.** Persons interested in becoming a participant in the Idaho Preferred® program shall do so by making application to the Department on forms established by the Director. New applications may be submitted at any time throughout the year. Applications will be made on a form prescribed by the Department, must be complete, and may be submitted any time of the year. ( )~~

~~02. **Application Review and Compliance Verification.** The Director, upon receipt of an application, will verify the applicant's compliance with this chapter and approve or deny the application. The Director will notify the applicant in writing of the approval or denial. ( )~~

**101. PARTICIPATION DURATION AND RENEWAL.**

**01. Duration.** Participation is on an annual basis, coinciding with the ~~fiscal calendar~~ year beginning ~~July January 1~~ and ending ~~June December 30~~1, unless otherwise provided for in this chapter. ( )

~~02. **Renewing Participation.** Renewals shall be submitted on forms established by the Director and will be due August 1. ( )~~

~~03. **Reporting on Use of Logo.** Participants renewing with the Department will report their use of the Idaho Preferred® logo from the concluding program year. The report will include, but may not be limited to, information regarding how the Idaho Preferred® logo was used. ( )~~

**102. -- 109. (RESERVED)**

**110. PARTICIPATION FEES.**

**01. Annual Fee.** ~~Participation fees will be listed in the participation application and will a~~Not to exceed one thousand dollars (\$1,000). ( )

~~02. **Participation Categories:** ( )~~

~~a. Producer. ( )~~

~~b. Paacker/Shipper/Processor. ( )~~

~~c. Supporting Organization. ( )~~

~~d. Retail/Foodservice. ( )~~

~~e. Broker/Distributor. ( )~~

~~03. **Pro Rated Fees.** New participation agreements issued during the program year will be assessed one hundred percent (100%) of the annual fee if applying between July 1 and December 31 and fifty percent (50%) of the fee if applying between January 1 and June 30. ( )~~

~~04. **Participation in Multiple Categories.** Persons qualifying in multiple participation categories shall be assessed the greater of participation fees. ( )~~

~~111. **PARTICIPATION PRIVILEGES.**~~

~~Participants will benefit from privileges including: ( )~~

~~01. **Use of the Idaho Preferred® Logo.** Use of the Idaho Preferred® Logo on product labels, advertising, signage, or other promotional materials as allowed by the department. ( )~~

~~02. **Listing.** Listing In Idaho Preferred® Product Directories. ( )~~

~~03. Promotion. Promotion through advertising, retail and foodservice promotions, consumer and education events, and the Idaho Preferred® website. ( )~~

~~04. Visibility. Visibility from the department's promotion activities. ( )~~

112. -- 199. (RESERVED)

## 200. PRODUCT QUALIFICATION.

**01. Authority of Determination.** The Director has sole authority in determining the eligibility of a product for participation in the program. ( )

~~02. General Product Qualifications. Except as specified in this chapter, or by written order of the Director, products must meet or exceed the following criteria: ( )~~

~~A-02. Fresh produce and commodities. Fresh produce and commodities bearing the Idaho Preferred® logo shall be one hundred percent (100%) Idaho grown or raised. ( )~~

~~B-03. Processed foods and beverages. Processed foods and beverages shall: ( )~~

~~i. a. Contain a minimum of twenty percent (20%) agricultural content by weight that has been grown or raised in Idaho; and ( )~~

~~ii. b. Be processed in the state of Idaho. ( )~~

~~c. If a company registered in Idaho uses a co-packing facility and an acceptable co-packing facility is not available in Idaho, the company may request an exception from the Director under section 200.15 ( )~~

~~e 04. Non-food agricultural products. must bBe at least twenty percent (20%) agricultural content by weight that has been grown or raised in Idaho and processing must occur in Idaho. ( )~~

~~03-05. Potatoes. Only certification marks owned or administered by the Idaho Potato Commission may be branded on potatoes grown in Idaho unless prior Idaho Potato Commission approval in writing is secured and granted for the use of additional words or designs. Any person or participant applying to the Idaho Preferred® program, with the intention to promote Idaho-grown potatoes or products made from Idaho-grown potatoes, shall provide proof of such permission prior to making application with the Department. ( )~~

~~04 06. Wine. Wines shall eC contain a minimum of ninety-five percent (95%) Idaho grapes. ( )~~

~~05 07. Beer. Beer shall: ( )~~

~~a. Be brewed in Idaho; and ( )~~

~~b. Contain at least one (1) Idaho agricultural product such as Idaho malt, Idaho wheat or Idaho hops, or soluble remnant thereof, but excluding water. ( )~~

~~06 08. Water. Water must bBe extracted from an Idaho water source. ( )~~

~~07-09. Nursery Stock. Nursery stock shall have been gGrown in Idaho a minimum of one (1) growing season or growing cycle. ( )~~

~~08. Beef and Beef Products. Beef and beef products shall come from cattle that: ( )~~

~~a. Were born, raised and harvested in the United States. No cattle that originate from outside the United States may qualify for the Idaho Preferred® logo. ( )~~

~~b. Are raised, fed, or processed in Idaho. ( )~~

~~c. Are processed in federally inspected plants. ( )~~

~~09. Lamb and Lamb Products. Lamb and lamb products shall come from sheep that: ( )~~

~~a. Are born, raised and harvested in the United States. No lambs that originate from, or reside for any portion of their life outside the United States may qualify for the Idaho Preferred® logo. ( )~~

~~b. Have grazed or been fed in Idaho at least three (3) months prior to harvest. The three (3) months need not be contiguous, but must be verifiable. ( )~~

~~c. Are processed at approximately one (1) year of age or less and qualify as lamb or carcasses from older animals, identified as mutton by USDA inspectors, may qualify if they have met requirements in Subsection 200.07.b. ( )~~

~~10. Pork and Pork Products. Pork and pork products shall come from hogs that: ( )~~

~~a. Are born, raised and harvested in the United States. No hogs that originate from, or reside for any portion of their life outside the United States may qualify for the Idaho Preferred® logo. ( )~~

~~b. Are raised in or processed in Idaho. ( )~~

~~c. Are processed at less than one (1) year of age unless used exclusively for ground pork or sausage products, and are processed in a federally inspected plant. ( )~~

~~010. Livestock Products. Come from livestock that: ( )~~

~~a. Were born, raised and harvested in the United States. No livestock that originate from outside the United States may qualify. ( )~~

~~b. Are raised, grazed, fed, or processed in Idaho. ( )~~

~~11. Poultry and Poultry Products. Poultry and poultry products shall eC~~ome from fowl that: ( )

~~a. Are hatched, raised and harvested in the United States. No fowl that originate from, or reside for any portion of their life outside the United States may qualify for the Idaho Preferred® logo. ( )~~

~~b. Are raised and processed in Idaho. Fertile eggs, also known as hatching eggs, or chicks less than three (3) days of age that originate outside of Idaho, but are raised and or processed in Idaho, may qualify for Idaho Preferred®. ( )~~

~~c. Are processed in a facility that is approved through a District Health Department for retail sales, or in a federally inspected plant. ( )~~

~~12. Game Meat. Game meat shall: ( )~~

~~a. Come from domestic Cervidae that are born, raised and processed in Idaho and originate from a facility regulated by the Idaho State Department of Agriculture. ( )~~

~~b. Come from domestic buffalo that are born, raised and processed in Idaho. ( )~~

~~c. Be processed in a federally inspected plant. ( )~~

~~13 12. Apicultural Products. Products produced by honey bees including honey, wax, pollen, and~~

propolis shall be one hundred percent (100%) Idaho origin. Processed honey shall be eighty percent (80%) Idaho origin. ( )

~~14 13. Forest Products. Forest products shall:~~ ( )

a. Contain a minimum of eighty percent (80%) of their wood fiber content from trees grown in Idaho; and ( )

b. Be manufactured in Idaho. ( )

~~15-14. Exceptions.~~ The Director has the authority to establish product qualification requirements specific to individual products and commodities by written order. ( )

201. -- 299. (RESERVED)

300. LOGO.

The Idaho Preferred® logo has been registered by the Department with the United States Library of Congress (Copyright registration), the United States Patent and Trademark Office (Certification Mark registration), the Idaho Secretary of State (Certificate of Trademark) and is afforded all protections provided for by law. The logo shall be used only by those participants in compliance with this chapter. The ~~Director~~ Department will ~~establish by written order provide~~ a logo style manual specifying approved colors, treatments, and fonts for the Idaho Preferred® logo. ( )

~~01. Description of the Idaho Preferred® Logo. The Idaho Preferred® logo is an oval background containing a snow-capped mountain range topped with a sunburst. The word "IDAHO" appears in Brand Idaho logotype, and a banner emblazoned with the word "PREFERRED" scrolls across the bottom of the logo. ( )~~

~~02. Graphic Depiction of the Idaho Preferred® Logo:~~



( )

~~03 1. Approval for Use of Logo.~~ Participants who wish to use the Idaho Preferred® logo on packaging, labels, flyers, promotional materials, or any other materials that will be viewed by the public must submit a proof of text and design to the Department for approval. Requests for approval must be submitted to the Idaho State Department of Agriculture, Marketing Division not less than five (5) working days prior to the proposed date of use. Written approval from the Department for logo use must be issued prior to use of the logo. ( )

~~02. Repeal of Approval of Use of Logo. The Department reserves the right to repeal the approval of the use of the logo. The Department will provide notice in writing and the participant must cease use immediately. ( )~~

~~301. SPECIAL PROMOTIONAL ACTIVITIES.~~

~~01. Activities. The Department may engage in special promotional activities including, but not limited to, advertising, product demonstrations, events, publicity, and cooperative activities. The Department may invite participants in the Idaho Preferred® program to participate in any activities. ( )~~

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~~not exceed the actual cost of conducting the activity. ( )~~

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**303. DISTRIBUTION OF PROMOTIONAL MATERIAL.**

**01. Authorized Use.** The Idaho Preferred® program has the authority to provide retail and food service outlets, farmers' markets, schools, media, fairs, and other such businesses, organizations, and venues the opportunity to promote Idaho food and agricultural products using the program logo and promotional materials. Open distribution of any and all point-of-sale materials, signage, advertising, identification placards, and other such promotional material, in accordance with this chapter and other applicable laws and precedent, is acceptable use and not considered an infringement on the ownership rights of any mark or seal of a supporting organization as defined in this chapter. ( )

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**311. COMPLIANCE.**

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- b. Computers and computer records or memoranda bearing on the usage of the Idaho Preferred® logo; and ( )
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**03. Samples.** The participant shall, upon the request of the Director, provide samples of the participant's labels, packaging, merchandising, and promotional materials featuring the Idaho Preferred® logo. ( )

**312. -- 314. (RESERVED)**



**315. VIOLATION.**

Any person found in violation of these rules is subject to termination of participation privileges. ( )

**316. -- 999. (RESERVED)**



Idaho State Department of Agriculture  
P.O. Box 7249 • Boise, Idaho 83707  
P: 208.332.8500 • F: 208.334.2170  
www.agri.idaho.gov

**BRAD LITTLE**, GOVERNOR

**CELIA GOULD**, DIRECTOR

“(8) The requirements of this section shall apply to the director’s promulgation of new rules as well as the amendment, extension, or renewal of rules in effect on the effective date of this act.”

1. Is this a  new rule or  amendment to current rule?

2. Is the proposed rule broader in scope or more stringent than federal law or regulations, or does it propose to regulate an activity not regulated by the federal government?  Yes  No

a. If yes, which portions of the proposed rule?

The federal government does not regulate locally grown marketing programs. These rules govern the products that are eligible to participate. The program is voluntary and is not required.

3. Is the proposed rule pursuant to:

a. Title 22, Chapter 49 (Beef Cattle Environmental Control Act)?  Yes  No

b. Title 25, Chapter 38 (Ag Odor Management Act)?  Yes  No

c. Title 37, Chapter 4 (Sanitary Inspection of Dairy Products)  Yes  No

d. Title 37, Chapter 6 (Dairy Environmental Control Act)  Yes  No

e. If yes to any of the above:

i. List the peer-reviewed science and supporting studies (conducted in accordance with sound and objective scientific practices) utilized by the agency.

ii. List the data that the agency utilized including site-specific, local, statewide, and regional data, including economic information.

iii. Explain how the rules are consistent with applicable legislative findings, policy, and intent; (for example, provide legislative bills or intent language).

iv. Has the agency made available for public review and comment, all scientific studies, (listed in subsection i. above) including underlying methodology, that have been relied upon by the director?

v. Have interested parties submitted economic feasibility data?      Yes      No  
(Please attach data when submitting this document.)

4. Does the proposed rule propose a standard necessary to protect human health and the environment?  
Yes      No      If yes, Please complete subsections a-e. If no, please proceed to question 4.

a. Identify each population or receptor addressed by an estimate of public health effects or environmental effects.

- b. Identify the expected risk or central estimate of risk for the specific population or receptor.
  
  - c. Identify each appropriate upper bound or lower bound estimate of risk.
  
  - d. Identify each significant uncertainty identified in the process of the assessment of public health effects or environmental effects and any studies that would assist in resolving the uncertainty.
  
  - e. Identify studies known to the agency that support, are directly relevant to, or fail to support any estimate of public health effects or environmental effects and the methodology used to reconcile inconsistencies in the data.
5. Does the notice for the proposed rule include information that the rule is boarder in scope or more stringent than federal law or regulations, or does it propose to regulate an activity not regulated by the federal government?
- Yes      No

Information Compiled by: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**02.01.04 – RULES GOVERNING THE VOLUNTARY IDAHO PREFERRED® PROMOTION PROGRAM**

**000. LEGAL AUTHORITY.**

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**001. TITLE AND SCOPE.**

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**02. Scope.** These rules govern the participation in, and product selection criteria for the voluntary Idaho Preferred® program. ~~The program was developed by the Idaho State Department of Agriculture to identify and promote food and agricultural products from the state of Idaho, elevate consumer awareness of such products, and assist in developing opportunities for sale of such products. These rules establish the requirements for the use of the Idaho Preferred® logo and will define eligible products, application procedures, and participation fees.~~ ( )

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**102. -- 109. (RESERVED)**

**110. PARTICIPATION FEES.**

**01. Annual Fee.** Participation is offered on a one-year or three-year basis. Fees will be listed in the participation application and will not exceed one thousand dollars (\$1,000). ( )

~~**02. Participation Categories:** ( )~~

~~**a. Producer.** ( )~~

~~**b. Packer/Shipper/Processor.** ( )~~

~~**c. Supporting Organization.** ( )~~

~~**d. Retail/Foodservice.** ( )~~

~~**e. Broker/Distributor.** ( )~~

~~**03. Pro-Rated Fees.** New participation agreements issued during the program year will be assessed one hundred percent (100%) of the annual fee if applying between July 1 and December 31 and fifty percent (50%) of the fee if applying between January 1 and June 30. ( )~~

~~**04. Participation in Multiple Categories.** Persons qualifying in multiple participation categories shall be assessed the greater of participation fees. ( )~~

**111. PARTICIPATION PRIVILEGES.**

Participants will benefit from privileges including: ( )

~~01. Use of the Idaho Preferred® Logo. Use of the Idaho Preferred® Logo on product labels, advertising, signage, or other promotional materials as allowed by the department. ( )~~

~~02. Listing. Listing In Idaho Preferred® Product Directories. ( )~~

~~03. Promotion. Promotion through advertising, retail and foodservice promotions, consumer and education events, and the Idaho Preferred® website. ( )~~

~~04. Visibility. Visibility from the department's promotion activities. ( )~~

112. -- 199. (RESERVED)

**200. PRODUCT QUALIFICATION.**

**01. Authority of Determination.** The Director has sole authority in determining the eligibility of a product for participation in the program. ( )

~~02. General Product Qualifications. Except as specified in this chapter, or by written order of the Director, products must meet or exceed the following criteria: ( )~~

**A-02. Fresh produce and commodities.** Fresh produce and commodities bearing the Idaho Preferred® logo shall be one hundred percent (100%) Idaho grown or raised. ( )

**B-03. Processed foods and beverages.** Processed foods and beverages shall: ( )

i. **a.** Contain a minimum of twenty percent (20%) agricultural content by weight that has been grown or raised in Idaho; and ( )

ii. **b.** Be processed in the state of Idaho. ( )

~~c. If a company registered in Idaho uses a co-packing facility and an acceptable co-packing facility is not available in Idaho, the company may request an exception from the Director under section 200.15 ( )~~

**e 04. Non-food agricultural products.** Non-food agricultural products must be at least twenty percent (20%) agricultural content by weight that has been grown or raised in Idaho and processing must occur in Idaho. ( )

~~03-05. Potatoes.~~ Only certification marks owned or administered by the Idaho Potato Commission may be branded on potatoes grown in Idaho unless prior Idaho Potato Commission approval in writing is secured and granted for the use of additional words or designs. Any person or participant applying to the Idaho Preferred® program, with the intention to promote Idaho-grown potatoes or products made from Idaho-grown potatoes, shall provide proof of such permission prior to making application with the Department. ( )

**04 06. Wine.** Wines shall contain a minimum of ninety-five percent (95%) Idaho grapes. ( )

~~05 07. Beer.~~ Beer shall: ( )

**a.** Be brewed in Idaho; and ( )

**b.** Contain at least one (1) Idaho agricultural product such as Idaho malt, Idaho wheat or Idaho hops, or soluble remnant thereof, but excluding water. ( )

**06 08. Water.** Water must be extracted from an Idaho water source. ( )

**07-09. Nursery Stock.** Nursery stock shall have been grown in Idaho a minimum of one (1) growing season or growing cycle. ( )



~~08. **Beef and Beef Products.** Beef and beef products shall come from cattle that: ( )~~

~~a. Were born, raised and harvested in the United States. No cattle that originate from outside the United States may qualify for the Idaho Preferred<sup>®</sup> logo. ( )~~

~~b. Are raised, fed, or processed in Idaho. ( )~~

~~c. Are processed in federally inspected plants. ( )~~

~~09. **Lamb and Lamb Products.** Lamb and lamb products shall come from sheep that: ( )~~

~~a. Are born, raised and harvested in the United States. No lambs that originate from, or reside for any portion of their life outside the United States may qualify for the Idaho Preferred<sup>®</sup> logo. ( )~~

~~b. Have grazed or been fed in Idaho at least three (3) months prior to harvest. The three (3) months need not be contiguous, but must be verifiable. ( )~~

~~c. Are processed at approximately one (1) year of age or less and qualify as lamb or carcasses from older animals, identified as mutton by USDA inspectors, may qualify if they have met requirements in Subsection 200.07.b. ( )~~

~~10. **Pork and Pork Products.** Pork and pork products shall come from hogs that: ( )~~

~~a. Are born, raised and harvested in the United States. No hogs that originate from, or reside for any portion of their life outside the United States may qualify for the Idaho Preferred<sup>®</sup> logo. ( )~~

~~b. Are raised in or processed in Idaho. ( )~~

~~c. Are processed at less than one (1) year of age unless used exclusively for ground pork or sausage products, and are processed in a federally inspected plant. ( )~~

010. **Livestock Products.** Livestock products shall come from livestock that: ( )

a. Were born, raised and harvested in the United States. No livestock that originate from outside the United States may qualify. ( )

b. Are raised, grazed, fed, or processed in Idaho.

11. **Poultry and Poultry Products.** Poultry and poultry products shall come from fowl that: ( )

a. Are hatched, raised and harvested in the United States. No fowl that originate from, or reside for any portion of their life outside the United States may qualify for the Idaho Preferred<sup>®</sup> logo. ( )

b. Are raised and processed in Idaho. Fertile eggs, also known as hatching eggs, or chicks less than three (3) days of age that originate outside of Idaho, but are raised ~~and~~ or processed in Idaho, may qualify for Idaho Preferred<sup>®</sup>. ( )

c. Are processed in a facility that is approved through a District Health Department for retail sales, or in a federally inspected plant. ( )

12. **Game Meat.** Game meat shall: ( )

a. Come from domestic Cervidae that are born, raised and processed in Idaho and originate from a facility regulated by the Idaho State Department of Agriculture. ( )

~~b. Come from domestic buffalo that are born, raised and processed in Idaho. ( )~~

~~e. Be processed in a federally inspected plant. ( )~~

~~13 12. Apicultural Products.~~ Products produced by honey bees including honey, wax, pollen, and propolis shall be one hundred percent (100%) Idaho origin. Processed honey shall be eighty percent (80%) Idaho origin. ( )

~~14 13. Forest Products.~~ Forest products shall: ( )

~~a. Contain a minimum of eighty percent (80%) of their wood fiber content from trees grown in Idaho; and ( )~~

~~b. Be manufactured in Idaho. ( )~~

~~15-14. Exceptions.~~ The Director has the authority to establish product qualification requirements specific to individual products and commodities by written order. ( )

~~201. -- 299. (RESERVED)~~

~~300. LOGO.~~

The Idaho Preferred® logo has been registered by the Department with the United States Library of Congress (Copyright registration), the United States Patent and Trademark Office (Certification Mark registration), the Idaho Secretary of State (Certificate of Trademark) and is afforded all protections provided for by law. The logo shall be used only by those participants in compliance with this chapter. ~~The Director Department will establish by written order provide~~ a logo style manual specifying approved colors, treatments, and fonts for the Idaho Preferred® logo. ( )

~~01. Description of the Idaho Preferred® Logo.~~ The Idaho Preferred® logo is an oval background containing a snow capped mountain range topped with a sunburst. The word "IDAHO" appears in Brand Idaho logotype, and a banner emblazoned with the word "PREFERRED" scrolls across the bottom of the logo. ( )

~~02. Graphic Depiction of the Idaho Preferred® Logo:~~



( )

~~03 1. Approval for Use of Logo.~~ Participants who wish to use the Idaho Preferred® logo on packaging, labels, flyers, promotional materials, or any other materials that will be viewed by the public must submit a proof of text and design to the Department for approval. Requests for approval must be submitted to the Idaho State Department of Agriculture, Marketing Division not less than five (5) working days prior to the proposed date of use. Written approval from the Department for logo use must be issued prior to use of the logo. ( )

~~02. Repeal of Approval of Use of Logo.~~ The Department reserves the right to repeal the approval of the use of the logo. The Department will provide notice in writing and the participant must cease use immediately. ( )

~~301. SPECIAL PROMOTIONAL ACTIVITIES.~~

~~01. Activities. The Department may engage in special promotional activities including, but not limited to, advertising, product demonstrations, events, publicity, and cooperative activities. The Department may invite participants in the Idaho Preferred® program to participate in any activities. ( )~~

~~02. Fees. The Department may assess a separate fee for any special promotional activity. This fee will not exceed the actual cost of conducting the activity. ( )~~

### 302. OTHER IDAHO PROMOTION PROGRAMS.

**01. Commodity-Specific Promotion Programs.** Commissions, boards, associations, or other organizations authorized by statute to promote or regulate agricultural products grown, packed, or processed in the state of Idaho shall be the primary and principal promotion and certification mark and trademark organizations for the particular commodity they are authorized to promote or regulate. ( )

**02. Ownership of Marks.** Any trademarks, certification marks, brands, seals, logos or other identification marks, that are established, owned or used by such commissions, boards, associations or organizations shall remain their sole property. Any use or infringement of their ownership right is prohibited unless written permission is obtained from an authorized representative of the commission, board, association or organization. ( )

### 303. DISTRIBUTION OF PROMOTIONAL MATERIAL.

**01. Authorized Use.** The Idaho Preferred® program has the authority to provide retail and food service outlets, farmers' markets, schools, media, fairs, and other such businesses, organizations, and venues the opportunity to promote Idaho food and agricultural products using the program logo and promotional materials. Open distribution of any and all point-of-sale materials, signage, advertising, identification placards, and other such promotional material, in accordance with this chapter and other applicable laws and precedent, is acceptable use and not considered an infringement on the ownership rights of any mark or seal of a supporting organization as defined in this chapter. ( )

~~02. Fees. The Department may assess a fee for promotional materials such as, but not limited to, banners, stickers, signs, aprons, shopping bags, etc. ( )~~

### 304. -- 309. (RESERVED)

### 310. SELF-CERTIFICATION.

All participants shall self-certify that all products marked with the Idaho Preferred® logo meet the qualification criteria as set forth in this chapter. Self-certification is subject to verification through the application and compliance process. ( )

### 311. COMPLIANCE.

**01. Authority of Director.** The Director has the authority to enter upon the premises of any participant to examine and copy any of the following items: ( )

- a. Books, papers, records, ledgers, journals, electronically or magnetically recorded data: ( )
- b. Computers and computer records or memoranda bearing on the usage of the Idaho Preferred® logo; and ( )
- c. To secure all other information concerned in the enforcement of these rules. ( )

**02. Random Compliance Inspection.** The Director shall may annually perform random compliance inspections. ( )

**03. Samples.** The participant shall, upon the request of the Director, provide samples of the

participant's labels, packaging, merchandising, and promotional materials featuring the Idaho Preferred® logo. ( )

**312. -- 314. (RESERVED)**

**315. VIOLATION.**  
Any person found in violation of these rules is subject to termination of participation privileges. ( )

**316. -- 999. (RESERVED)**