

IDAPA 02 – IDAHO DEPARTMENT OF AGRICULTURE

Plants Division

02.06.02 – Rules Governing Registrations and Licenses

Who does this rule apply to?

Commercial feed, fertilizer, and soil & plant amendment registrants who sell or distribute products in the state of Idaho.

Nurseries and florists that require additional inspections and special services. Beekeepers maintaining hives, colonies, or apiaries within the state of Idaho, providing they are not exempt as a hobbyist beekeeper.

What is the purpose of this rule?

These rules specify general commercial feed, fertilizer, and soil & 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 prevent the introduction or further dissemination of certain bee diseases by providing authority to enter, inspect, and control bee pests and levy penalties.

The sub-chapters regarding Commercial Feed, Commercial Fertilizer, and Soil & Plant Amendments are in place to ensure that products meet certain national standards for ingredients, label guarantees, and adulteration. Labels are submitted to the agency at registration for review and approval, and the agency has authority to sample products in the marketplace to further ensure compliance.

The sub-chapters pertaining to Nurseries and Bee Inspection ensure authority and a funding mechanism to inspect nurseries and apiaries to ensure an absence of pests and disease. Stakeholders rely upon these inspections not only for the health of their nursery stock and hives, but to ensure qualification for export, where applicable.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statutes passed by the Idaho Legislature:

- [22-604, Idaho Code](#) – Adoption of Rules for Commercial Fertilizers
- [22-2204, Idaho Code](#) – Authority to Adopt Rules for Soil and Plant Amendments
- [22-2303\(5\), Idaho Code](#) – Duties of the Department Regarding Nurseries and Florists
- [22-2503, Idaho Code](#) – Bee Inspection: Director to Conduct Apiary Inspections – Rules Setting Fees for Requested Inspections Authorized
- [22-2511, Idaho Code](#) – Rules for Bee Inspection
- [25-2710, Idaho Code](#) – Animals - Idaho Commercial Feed Law: Rules, Standards, Definitions

Who do I contact for more information on this rule?

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02.06.02 – RULES GOVERNING REGISTRATIONS AND LICENSES

000. LEGAL AUTHORITY.

Sections 22-604, 22-2204, 22-2303(5), 22-2503, 22-2511, and 25-2710, Idaho Code. (3-23-23)

001. SCOPE.

These rules specify general commercial feed, fertilizer, and soil and plant amendment product registration and label requirements. These rules are also to prevent the introduction or further dissemination of certain bee diseases and establish registration and collection of fees. (3-23-23)

002. -- 103. (RESERVED)

SUBCHAPTER A – COMMERCIAL FEED

104. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into this Subchapter A: (3-23-23)

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 Official Publication” of AAFCO where those statements do not conflict with 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. (3-23-23)

02. The Merck Index. The “Merck Veterinary Manual,” 11th Edition, as published by Merck Research Laboratories Division of Merck & Co., Incorporated. The manual is publicly available online from Merck & Co., Inc at: <http://www.rsc.org/merckindex>. (3-23-23)

105. -- 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. (3-23-23)

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. (3-23-23)

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. (3-23-23)

a. Net Weight. (3-23-23)

b. Product name and brand name if any. (3-23-23)

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. (3-23-23)

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: (3-23-23)

i. Minimum percentage of crude protein. (3-23-23)

ii. Maximum or minimum percentage of equivalent protein from non-protein nitrogen. (3-23-23)

iii. Minimum percentage of crude fat. (3-23-23)

- iv. Maximum percentage of crude fiber. (3-23-23)
- 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. (3-23-23)
- vi. Vitamins. (3-23-23)
- vii. Total sugars as invert on dried molasses products or products being sold primarily for their sugar content. (3-23-23)
- 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. (3-23-23)
- 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: (3-23-23)
 - i. The name of each ingredient as defined in the AAFCO Official Publication, common or usual name, or one approved by the Director. (3-23-23)
 - ii. Collective terms for the grouping of feed ingredients as defined in the Official Definitions of Feed Ingredients published in the AAFCO Official Publication 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. (3-23-23)

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. (3-23-23)

121. -- 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. (3-23-23)

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: (3-23-23)

- a. When the minimum is five percent (5%) or less, the maximum will not exceed the minimum by more than one (1) percentage point. (3-23-23)
- 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. (3-23-23)

131. -- 144. (RESERVED)

145. ADULTERANTS.

01. 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. (3-23-23)

146. -- 309. (RESERVED)

SUBCHAPTER B – BEE INSPECTION

310. REGULATED BEE DISEASES.

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. (3-23-23)

311. -- 329. (RESERVED)

330. REGULATED PRODUCTS AND RELATED EQUIPMENT.

Subchapter B 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. (3-23-23)

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. (3-23-23)

341. -- 403. (RESERVED)

SUBCHAPTER C – FERTILIZER

404. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into Subchapter C: (3-23-23)

01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication. The Officially adopted Documents, Official Terms, and Policies, as published in the “2022 Official Publication” of AAPFCO where those statements do not conflict with 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. (3-23-23)

02. 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. (3-23-23)

405. -- 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. (3-23-23)

421. -- 439. (RESERVED)

440. WARNING OR CAUTION STATEMENTS.

A warning or cautionary statement is required on any fertilizer product: (3-23-23)

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: (3-23-23)

- a. The word "Warning" or "Caution" conspicuously displayed; (3-23-23)
- b. The crops for which the fertilizer is recommended; and (3-23-23)
- c. That the use of the fertilizer on any crop(s) other than those recommended may result in serious injury to the crop(s). (3-23-23)

02. Containing Molybdenum. If the fertilizer product contains one thousandths of a percent (.001%) or more molybdenum, the statement shall include: (3-23-23)

- a. The word "Warning" or "Caution" conspicuously displayed; and (3-23-23)
- b. That the application of fertilizers containing molybdenum may result in forage crops containing levels of molybdenum that are toxic to ruminant animals. (3-23-23)

441. -- 469. (RESERVED)

470. INVESTIGATIONAL ALLOWANCES.

01. 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. (3-23-23)

02. 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

Guaranteed Percent	Nitrogen Percent	Available Phosphate Percent	Potash Percent
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 470.02. (3-23-23)

471. -- 503. (RESERVED)

SUBCHAPTER D – SOIL AND PLANT AMENDMENTS

504. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into Subchapter D: (3-23-23)

01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication. The Terms, Ingredient Definitions, and Policies, as published in the “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 22, Idaho Code, and any rule promulgated thereunder. A copy may be purchased online from the AAPFCO website at: www.aapfco.org. (3-23-23)

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505. -- 999. (RESERVED)