

IDAPA 02 - DEPARTMENT OF AGRICULTURE

**02.04.05 - RULES OF THE DEPARTMENT OF AGRICULTURE
GOVERNING MANUFACTURE GRADE MILK**

DOCKET NO. 02-0405-1401

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 37-516, Idaho Code.

MEETING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Tuesday, July 22, 2014, 10:00 a.m. to 2:00 p.m. (MDT)

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho State Department of Agriculture addressed to John Bilderback, Dairy, Beef, and Poultry Programs. Individuals may also attend the public meeting to be conducted on the above date during which the Idaho State Department of Agriculture will allow oral comments or presentations to be made.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The rule is being updated to reflect and be consistent with the statute change (Senate Bill No. 1338) which was passed during the 2014 Legislature and signed by Governor C. L. "Butch" Otter on April 3, 2014 effective July 1, 2014. The last changes to the rule were accepted in 1994. Since this time, some of the contents of the rule have become outdated and need to be revised or removed. Specifically, documents referenced throughout the rule will be listed under the incorporation by reference. All mentions of the Babcock tests will be removed since this test is no longer used. Likewise, the Methods Of Analysis section will be removed because IDAPA 02.04.09, "Rules Governing Milk and Cream Procurement and Testing," now covers the requirements for the methods of testing milk and cream for sale. The standards of identity of products will be consistent with the federal definitions.

ISDA will also take the opportunity to update the rule format to bring it into compliance with the new rule format (adding incorporation by reference, address, office hours, telephone, and fax numbers, and the Idaho public records act). The name of the rule will also be changed to Rules Governing Manufacture Grade Milk to be consistent with Office of Administrative Rule's policy.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact John Bilderback, 208-332-8541, john.bilderback@agri.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the ISDA rulemaking web site at http://www.agri.idaho.gov/Categories/LawsRules/sub_rules/Rulemaking.php. All written comments must be delivered on or before July 31, 2014.

DATED this 9th day of May, 2014.

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