

IDAPA 02 – DEPARTMENT OF AGRICULTURE

**02.06.21 – RULES FOR VOLUNTARY PUBLIC SERVICES OF THE
IDAHO DEPARTMENT OF AGRICULTURE LABORATORIES**

DOCKET NO. 02-0621-1701

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 Title 22, Chapter 20, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows:

Wednesday, July 26, 2017 – 10:00 a.m. to 12:00 p.m. (MDT)

**Idaho State Department of Agriculture
2270 Old Penitentiary Road
Boise, ID 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 Dan Salmi, Laboratory Bureau Chief, Bureau of Laboratories. 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 presentation to be made.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

Historically, the Feed and Fertilizer (F&F) Laboratory's primary function (>90%) has been regulatory/enforcement testing. However, it occasionally accepts public service samples on a fee basis. Since January 2014, the lab had 28 customers totaling \$18,114.18 of business. Of that amount, 84% or \$15,223.35 came from two other State Agencies from Oregon and Michigan that use the ISDA F&F Lab because of our extremely low prices. The primary mission of the F&F Lab is to provide enforcement testing services in an accurate and timely manner. These public service samples, for the most part, do not even benefit Idaho residents and tie up valuable lab space and time. Therefore, the ISDA has halted voluntary service sample testing as of January 1st, 2017. We are requesting an elimination of the rule for voluntary public services.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text (if available), contact Dan Salmi at (208) 332-8526. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho State Department of Agriculture web site at the following web address: http://www.agri.idaho.gov/agri/Categories/LawsRules/sub_rules/Rulemaking.php.

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 August 4, 2017.

DATED this 8th day of June, 2017.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
Phone: (208) 332-8500 / Fax: (208) 334-2170

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