

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.01.04 – RULES GOVERNING THE IDAHO PREFERRED® PROMOTION PROGRAM

DOCKET NO. 02-0104-1901

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 22-112, Idaho Code.

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

PUBLIC MEETING
Tuesday, May 21, 2019 – 1:30 p.m. - 4:30 p.m. (MDT)
Idaho State Department of Agriculture 2270 Old Penitentiary Road Boise, Idaho 83712

Additional meetings may be scheduled; check the ISDA website (www.agri.idaho.gov) for information.

The meeting site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

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

Interested members of the public who wish to participate may submit any written comments for the record, questions, recommendations, or ideas to the Idaho State Department of Agriculture addressed to Laura.Johnson@isda.idaho.gov. 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.

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:

Some of the product qualifications in the voluntary Idaho Preferred program need to be revised. New product qualifications need to be created for bottled water and craft beer. Modifications will also be examined for other products including beef, game meat and apicultural products. Wine has its own product qualifications but bottled water and craft beer fall under the “processed food and beverage” definition that says that 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. It is not possible to measure malt or hops content by weight in the final product. And it is not clear how to measure the agricultural content of bottled water. Game meat currently reads that only domestic elk products are eligible to participate in the program but yet domestic Cervidae includes fallow deer and reindeer. There are also inconsistencies in the meat products definitions that need to be revisited as well. In addition to the proposed changes, IDAPA 02.01.04 will be reviewed for amendment or repeal of select sections in order to comply with the Red Tape Reduction Act.

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, contact Laura Johnson, Bureau Chief, Market Development at (208) 332-8533. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the ISDA web site at the following web address: www.agri.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 May 31, 2019.

Dated this 4th day of April, 2019.

Brian Oakey, Deputy Director
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