

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.06.31 – NOXIOUS WEED FREE FORAGE AND STRAW CERTIFICATION RULES

DOCKET NO. 02-0631-1901

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 Sections 22-101(3), 22-2403, 22-2411, 22-2412, and 22-2413, Idaho Code.

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

PUBLIC MEETING

Wednesday, June 26, 2019 - 10:00 a.m. to 12:00 p.m. (MDT)

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

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 jeremy.varley@isda.idaho.gov or dan.safford@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 that will be posted to the agency website at www.agri.idaho.gov.

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:

Federal lands managed by the Bureau of Land Management (BLM) and United States Forest Service (USFS) in Idaho and elsewhere requires forage or straw possessed or used within these boundaries to be certified noxious weed free. To meet this need, Idaho forage and straw growers who produce certified noxious weed free forage and straw for this Idaho market and the hay growers and processors that remanufacture certified forage/straw into pellets, cubes, and twice-compressed forage/straw bales for export to markets outside Idaho utilize a voluntary certification program at ISDA.

Nationally, the North American Invasive Species Management Association (NAISMA) is recognized as maintaining the national standard for certification and program definitions. ISDA first incorporated the national standard for certification in 2007. In October of 2018, this organization voted to change the name of its Weed Free Forage Certification program from “North American” to “NAISMA”. ISDA needs to update its NWFFS rules to reflect those changes. ISDA is requesting that the NAISMA prohibited weed list in the NWFFS Rules be listed through “Incorporation by Reference” to eliminate this repetitive practice. The NAISMA definitions and prohibited weed list are available to the public through the NAISMA website (www.naisma.org/weed-free-forage) or by contacting ISDA. In addition, ISDA trains inspectors from this list each year.

By updating this rule, the effected companies will be able to more easily continue exporting their product outside of Idaho. IDAPA 02.06.31 will also 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 Dan Safford at (208) 332-8592. 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 June 30, 2019.

Dated this 3rd day of May, 2019.

Brian Oakey
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