

**IDAPA 02 – DEPARTMENT OF AGRICULTURE**

**02.02.05 – PRUNE STANDARDS**

**DOCKET NO. 02-0205-1901**

**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 22-702, 22-703, 22-704, 22-705, and 22-706, Idaho Code and, 7 CFR- Subparagraph (a) of 51.1521, effective March 29, 2004.

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

**PUBLIC MEETING**  
**Wednesday, July 24, 2019**  
**10:00 a.m. (MDT)**

**Idaho State Department of Agriculture**  
**2270 Old Penitentiary Road**  
**Boise, Idaho 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 [laura.thomas@isda.idaho.gov](mailto:laura.thomas@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:

This rule referenced outdated standards. In addition to US Grade Standards for plums and prunes, the industry has requested a second less stringent standard. The Idaho rules utilize US Grade Standards for plums and prunes which were updated in 2004. This standard is a ceiling standard and additional defects are allowed under Idaho rule in order to use the Idaho grade. IDAPA 02.02.05 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 Laura Thomas (208) 332-8672. 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](http://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 July 31, 2019.

Dated this 6th day of June, 2019.

Brian Oakey, Deputy Director  
Idaho Department of Agriculture  
Phone: (208) 332-8550 / Fax: (208) 334-2710

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