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Director

# Legislative Services Office Idaho State Legislature

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## MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Agricultural Affairs Committee and the House Agricultural Affairs Committee  
**FROM:** Principal Legislative Research Analyst - Katharine Gerrity  
**DATE:** July 17, 2013  
**SUBJECT:** Department of Agriculture

IDAPA 02.02.14 - Rules For Weights & Measures (Docket No. 02-0214-1302)

IDAPA 02.04.19 - Rules Governing Domestic Cervidae (Docket No. 02-0419-1301)

### **1. IDAPA 02.02.14 - Rules For Weights & Measures**

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.02.14 - Rules For Weights and Measures. The purpose of the rulemaking is to incorporate by reference the 2014 edition of the National Institute of Standards and Technology Handbook No. 44, "Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices." The Department notes that negotiated rule-making was not conducted due to the simple nature of the proposed changes. The rule appears to be authorized pursuant to Section 71-111, Idaho Code.

### **2. IDAPA 02.04.19 - Rules Governing Domestic Cervidae**

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.04.19 - Rules Governing Domestic Cervidae. The purpose of the rulemaking is to specify which forms of unique identification will be acceptable for producers exporting out of the state to utilize within their herds and to maintain compliance with the Animal and Plant Health Inspection Service National Chronic Wasting Disease Herd Certification Program.

The changes provide that all domestic cervidae enrolled in the National CWD Herd Certification Program are required to be identified with two forms of identification. One form must be a nationally unique official animal identification that uses an APHIS-approved numbering system that is linked to the CWD National Database or equivalent ISDA database. The second form of identification must be unique to the individual animal within the herd and also linked to the CWD National Database or equivalent ISDA database to include APHIS-approved identification devices, electronic identification, official USDA tamper-resistant ear tags, legible ear or flank tattoos and other forms of identification as approved by the APHIS Administrator.

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The Department states that negotiated rulemaking was not conducted because the federal government has already implemented the changes and is mandating state participation in the new Herd Certification Program. The changes will maintain consistency with the federal rule. The rule appears to be authorized pursuant to Section 25-3704, Idaho Code.

cc: Department of Agriculture

Brian J. Oakey, Kevin Merritt & Dr. Scott Leibsle