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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 14, 2014  
**SUBJECT:** Department of Agriculture

IDAPA 02.02.14 - Rules Pertaining To The Rules for Weights and Measures (Docket No. 02-0214-1401)

IDAPA 02.02.14 - Rules Pertaining To The Rules for Weights and Measures (Docket No. 02-0214-1402)

### 1. IDAPA 02.02.14 - Rules Pertaining To The Rules for Weights and Measures

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.02.14 - Rules For Weights and Measures. According to the department, the purpose of the rulemaking is to incorporate by reference the 2015 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 rulemaking 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 02.02.14 - Rules Pertaining To The Rules for Weights and Measures

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.02.14 - Rules For Weights and Measures. According to the department, Idaho's current labeling requirement conflicts with EPA's 40 CFR Section 80.1501 when ethanol blends are offered for sale at greater than ten percent. The department notes that any blend less than ten percent is not required to be labeled under federal requirements, but will continue to be required to be labeled by state rule. The department states that language will be added to the section for oxygenated gasoline that will clarify the labeling requirements of ten percent or less ethanol blend ranges. The department states that the rule change will not impact petroleum retailers that comply with the current rule.

The Department notes that negotiated rulemaking 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.

cc: Department of Agriculture  
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