

Dear Senators RICE, Den Hartog, Jordan, and  
Representatives BOYLE, Dayley, Erpelding:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the  
Department of Agriculture:

IDAPA 02.02.14 - Rules for Weights and Measures - Proposed Rule (Docket No. 02-0214-1701);

IDAPA 02.02.14 - Rules for Weights and Measures - Proposed Rule (Docket No. 02-0214-1702);

IDAPA 02.06.02 - Rules Pertaining to the Idaho Commercial Feed Law - Proposed Rule (Docket  
No. 02-0602-1701);

IDAPA 02.06.12 - Rules Pertaining to the Idaho Fertilizer Law - Proposed Rule (Docket No.  
02-0612-1701);

IDAPA 02.06.21 - Rules for Voluntary Public Services of the Idaho Department of Agriculture  
Laboratories - Proposed Rule (Docket No. 02-0621-1701);

IDAPA 02.06.41 - Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001 - Proposed  
Rule (Docket No. 02-0641-1701).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the  
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research  
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative  
Services. The final date to call a meeting on the enclosed rules is no later than 10/06/2017. If a meeting is  
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis  
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/06/2017.

The germane joint subcommittee may request a statement of economic impact with respect to a  
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,  
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has  
been held.

To notify Research and Legislation, call 334-4834, or send a written request to the address on the  
memorandum attached below.



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

*Serving Idaho's Citizen Legislature*

### MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Agricultural Affairs Committee and the House Agricultural Affairs Committee

**FROM:** Deputy Division Manager - Katharine Gerrity

**DATE:** September 19, 2017

**SUBJECT:** Department of Agriculture

IDAPA 02.02.14 - Rules for Weights and Measures - Proposed Rule (Docket No. 02-0214-1701)

IDAPA 02.02.14 - Rules for Weights and Measures - Proposed Rule (Docket No. 02-0214-1702)

IDAPA 02.06.02 - Rules Pertaining to the Idaho Commercial Feed Law - Proposed Rule (Docket No. 02-0602-1701)

IDAPA 02.06.12 - Rules Pertaining to the Idaho Fertilizer Law - Proposed Rule (Docket No. 02-0612-1701)

IDAPA 02.06.21 - Rules for Voluntary Public Services of the Idaho Department of Agriculture Laboratories - Proposed Rule (Docket No. 02-0621-1701)

IDAPA 02.06.41 - Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001 - Proposed Rule (Docket No. 02-0641-1701)

#### **1. IDAPA 02.02.14 - 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 update the incorporation by reference for automotive spark engine fuel, diesel fuel and biodiesel fuel blends. The department states that the rule change updates the primary reference document for gasoline, diesel fuel and biodiesel fuels to the 2016 American Society of Testing Materials (ASTM) specifications. Negotiated rulemaking was conducted. The rulemaking appears to be authorized pursuant to Section 71-111, Idaho Code.

#### **2. IDAPA 02.02.14 - 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 add definitions for Liquefied and Compressed Natural Gas, Diesel Gallon Equivalent (DGE), Gasoline Gallon Equivalent (GGE) and their metric equivalents. The department notes that a provision is also added allowing the GGE and DGE units as acceptable methods of sale for compressed and liquefied natural gas motor fuel. Negotiated rulemaking was conducted. The rulemaking appears to be authorized pursuant to Section 71-111, Idaho Code.

Mike Nugent, Manager  
Research & Legislation

Paul Headlee, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

### **3. IDAPA 02.06.02 - Rules Pertaining to the Idaho Commercial Feed Law**

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.06.02 - Rules Pertaining to the Idaho Commercial Feed Law. According to the department, the purpose of the rulemaking is to incorporate by reference information and updates contained in the 2018 Official Publication of the Association of American Feed Control Officials (AAFCO) as they pertain to the methodology and practice of conducting regulatory commercial feed registration and label review. The department states that negotiated rulemaking was not conducted due to the simple nature of the proposed change. The rulemaking appears to be authorized pursuant to Section 25-2710, Idaho Code.

### **4. IDAPA 02.06.12 - Rules Pertaining to the Idaho Fertilizer Law**

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.06.12 - Rules Pertaining to the Idaho Fertilizer Law. According to the department, the purpose of the rulemaking is to incorporate by reference information and updates contained in the 2018 Official Publication of the Association of American Plant Food Control Officials (AAPFCO) as they pertain to the methodology and practice of conducting regulatory fertilizer registration and label review. The department states that negotiated rulemaking was not conducted due to the simple nature of the proposed change. The rulemaking appears to be authorized pursuant to Section 22-604, Idaho Code.

### **5. IDAPA 02.06.21 - Rules for Voluntary Public Services of the Idaho Department of Agriculture Laboratories**

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.06.21 - Rules for Voluntary Public Services of the Idaho Department of Agriculture Laboratories. This is a proposed chapter repeal. According to the department, it is proposing to repeal the chapter because the primary mission of the Feed and Fertilizer Lab is to provide enforcement testing services in an accurate and timely manner. The department states that public service samples that are covered by this chapter do not benefit Idaho residents and tie up valuable lab space and time. The department indicates that since January 2014, the lab only had 28 such customers totaling \$18,114 of business. The department also adds that 84% of this work came from state agencies in Oregon and Michigan. The department also states that it halted voluntary service sample testing as of January, 2017. Negotiated rulemaking was conducted. The rulemaking appears to be authorized pursuant to Sections 22-604, 22-2006, 22-2204 and 25-2710, Idaho Code.

### **6. IDAPA 02.06.41 - Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001**

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.06.41 - Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001. According to the department, the purpose of the rulemaking is to incorporate by reference information and updates contained in the 2018 Official Publication of the Association of American Plant Food Control Officials (AAPFCO) as they pertain to the methodology and practice of conducting regulatory soil and plant amendment registration and label review. The department states that negotiated rulemaking was not conducted due to the simple nature of the proposed change. The rulemaking appears to be authorized pursuant to Section 22-2204, Idaho Code.

cc: Department of Agriculture  
Brian J. Oakey

## **IDAPA 02 – DEPARTMENT OF AGRICULTURE**

### **02.02.14 – RULES FOR WEIGHTS AND MEASURES**

**DOCKET NO. 02-0214-1701**

#### **NOTICE OF RULEMAKING – PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 71-111, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 20, 2017.

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

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Update the incorporation by reference for automotive spark engine fuel, diesel fuel and biodiesel fuel blends.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: ISDA does not anticipate any fiscal impact from the changes to be made to the Rule during this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 5, 2017 Idaho Administrative Bulletin, [Vol. 17-7 page 19](#).

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

This rule change updates the primary reference document for gasoline, diesel fuel, and bio-diesel fuels to the 2016 ASTM specifications.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Kevin Merritt, Section Manager at (208) 332-8690.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 27, 2017.

DATED this 1st day of August, 2017.

Brian J Oakey, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd.  
P.O. Box 790  
Boise, ID 83701  
Telephone: (208) 332-8500  
Fax: (208) 332-2170

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0214-1701**  
**(Only Those Sections With Amendments Are Shown.)**

**004. INCORPORATION BY REFERENCE.**

**01. Required Reference Materials.** The 2017 edition of Handbook No. 44 of the National Institute of Standards and Technology, United States Department of Commerce, “Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices,” hereby incorporated by reference, shall be the specifications, tolerances and other technical requirements for commercial weighing and measuring devices, unless otherwise stated in these rules. (3-29-17)

**02. Required Reference Materials for Checking Prepackaged Commodities.** The 4th Edition of Handbook No. 133 of the National Institute of Standards and Technology, United States Department of Commerce, “Checking the Net Contents of Packaged Goods,” hereby incorporated by reference, shall be the authority in checking packaged commodities, unless otherwise stated in these rules. (2-13-04)

**03. Specifications for Diesel Fuel and Biodiesel Fuel.** American Society of Testing and Materials (ASTM) D975-~~07~~**16a**, “Standard Specification for Diesel Fuel Oils,” and ASTM D6751-~~07a~~**15ce**, “Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels,” intended for blending with diesel fuel are hereby incorporated by reference and are the specifications for diesel fuel and biodiesel fuel blend stock (B100 biodiesel). (~~4-2-08~~)(    )

**04. Specifications for Gasoline.** American Society of Testing and Materials (ASTM) D4814-~~07a~~**16ce**, “Standard Specification for Automotive Spark-Ignition Engine Fuel”, dated ~~October 17, 2007~~ **November 15, 2016**, is hereby incorporated by reference and is the specification for gasoline. (~~5-8-09~~)(    )

**05. Local Availability.** Copies of the incorporated documents are on file with the Idaho State Department of Agriculture, 2216 Kellogg Lane, Boise, Idaho 83712. Copies of NIST documents may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies are available for downloading at <https://www.nist.gov/pml/weights-and-measures/publications>. Copies of ASTM specifications are on file with the Idaho State Department of Agriculture or may be purchased from <http://www.astm.org>, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA, 19428. (4-7-11)

## **INCORPORATION BY REFERENCE SYNOPSIS**

In compliance with Section 67-5223(4), Idaho Code, the following is a synopsis of the differences between the materials previously incorporated by reference in this rule that are currently of full force and effect and newly revised or amended versions of these same materials that are being proposed for incorporation by reference under this rulemaking.

The following agency of the state of Idaho has prepared this synopsis as part of the proposed rulemaking for the chapter cited here under the docket number specified:

***Idaho State Department of Agriculture  
IDAPA 02.02.14 - Rules for Weights and Measures.  
Proposed Rulemaking - Docket No. 02-0214-1701***

Incorporating by reference fuel specifications from the American Society of Testing Materials (ASTM) is more practical and cost effective than reproducing similar specifications in Rule. Incorporating by reference the ASTM specifications ensures that Idaho's fuel specifications are consistent with neighboring states that refine and supply fuel for Idaho consumers.

Fuel in Idaho is sold under the true name and grade set forth in Idaho Code §37-2504 and must meet the quality standards set forth in Idaho Code §37-2506. Most of Idaho's fuel comes from refineries located in Utah, Montana, and Washington. These fuels already meet the most current ASTM fuel standards. Having current ASTM fuel standards will reduce the potential dumping of substandard fuel into the Idaho market and provide quality motor fuels for Idaho consumers.

**Listed below is an overview of changes to ASTM Specifications Incorporation by Reference by ISDA Weights and Measures. A brief summary follows each change, or group of related changes.**

- ASTM D4814 – Standard Specification for Automotive Spark Engine Fuel
- ASTM D975 – Standard Specifications for Diesel Fuel Oils
- ASTM D6751 – Standard Specifications for Blend Stock (B100) for Distillate Fuels

**Summary of Changes to ASTM D4814 – Standard Specification for Automotive Spark Engine Fuel**

<b>ASTM</b>	<b>Title</b>	<b>Changes</b>	<b>Impact on Idaho</b>
D4814	Table 1	Revised footnote D	Minimal
D4814	Table 1	Revised footnote F	Minimal
D4814	Subsection 5.2.3	Added DI equation	Minimal
D4814	Subsection 1.12.4	Discussion on DI Development	Minimal
D4814	Drivability Index	Changes equation	Minimal
D4814	Subsection 5.2.4	Revised from 10% to 15%	Minimal

- The 6 changes listed above occur in Table 1 “Vapor Pressure and Distillation Class Requirements”. These changes allow for ethanol blends up to 15% blended gasoline. Additional references have been added to the 2017 version that reference “Drivability Index”. The Drivability Index is a calculation used by ASTM to measure performance using different blends of ethanol in gasoline. These changes will have little impact in Idaho because all fuel currently transported into Idaho meet these requirements.

<b>ASTM</b>	<b>Title</b>	<b>Changes</b>	<b>Impact on Idaho</b>
D4814	Table 4	Maine vapor pressure	None
D4814	Table 8	Maine vapor pressure	None

- The 2 changes listed above only effect the State of Maine. These changes will not affect Idaho.

<b>ASTM</b>	<b>Title</b>	<b>Changes</b>	<b>Impact on Idaho</b>
D4814	Test Method D3831	Added Test Method D3831	Minimal

- This change adds a test to measure Manganese in gasoline. This change will have minimal impact in Idaho because the manganese volume is mostly determined at the refinery.



<b>ASTM</b>	<b>Title</b>	<b>Changes</b>	<b>Impact on Idaho</b>
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D4814	Table 2	Revised Table 2	Minimal
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D4814	Subsection 6.3	Added subsection	Minimal
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- The 2 changes listed above in Table 2 “Detailed Requirements for all Volatility Classes” were revised to limit the amounts of Manganese content in gasoline. The 2017 edition lowers the acceptable levels of Methylcyclopentadienyl Manganese Tricarbonyl (MMT). This change will effect one retail establishment in Idaho that is currently adding additional MMT to their retail fuel supply. The overall impact is minimal.

<b>ASTM</b>	<b>Title</b>	<b>Changes</b>	<b>Impact on Idaho</b>
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D4814	Denatured Fuel	Denatured fuel	Minimal
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- The change listed above requires ethanol to meet an additional standard when being used to blend with gasoline. This change will have minimal impact in Idaho because the current ethanol base stock produced in Idaho meets both specifications.

<b>ASTM</b>	<b>Title</b>	<b>Changes</b>	<b>Impact on Idaho</b>
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D4814	Vapor Liquid Ratio	Changed from 10% to 15%	Minimal
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- The change listed above allows for additional techniques and additional ethanol. This will have minimal impact in Idaho because refiners are currently meeting this specification.

<b>ASTM</b>	<b>Title</b>	<b>Changes</b>	<b>Impact on Idaho</b>
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D4814	Section 1.12.5	15% Ethanol	Minimal
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- The change listed above adds an equation to the 2017 edition explaining the distillation curve for gasolines containing 5% to 10% ethanol. This is an informational change and will have no impact in Idaho.

<b>ASTM</b>	<b>Title</b>	<b>Changes</b>	<b>Impact on Idaho</b>
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D4814	Section 3.1.4	EPA Waivers	Minimal
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D4814	Section 3.3.2	EPA Oxygenate Blend update	Minimal
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D4814	Section 3.4.2	EPA Reformulated Gasoline	Minimal
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D4814	Section 3.3.2	EPA Waivers	Minimal
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- The 4 changes listed above update Environmental Protection Agency (EPA) waivers. These changes will have minimal impact in Idaho. Idaho currently adopts the EPA seasonal waiver for Reid Vapor Pressure (RVP).

<b>ASTM</b>	<b>Title</b>	<b>Changes</b>	<b>Impact on Idaho</b>
D4814	Section 3.5.3	EPA Certification Standards	Minimal

- The change listed above revises the EPA’s certification Standards for Deposit Control Gasoline Additives. It also increases the amount of ethanol within the certification from 10% in the 2007 edition to 15% in the 2017 edition. This will have minimal impact in Idaho. Fuels entering the state already meet this requirement.

<b>ASTM</b>	<b>Title</b>	<b>Changes</b>	<b>Impact on Idaho</b>
D4814	Section 3.2.3	Definition for finished fuel	Minimal
D4814	Section 3.2.11	Definition for water tolerance	Minimal

- The 2 changes listed above are additional definitions. The first change defines “finished fuel” and adds Test Method D4176 to the Referenced Documents. The second change adds a definition for “water tolerance”. These changes will have no impact in Idaho because the current standard (ASTM -07) meets this standard. Adding these definitions add clarity to the 2017 standard.

<b>ASTM</b>	<b>Title</b>	<b>Changes</b>	<b>Impact on Idaho</b>
D4814	Table 3, 4, 5, 6	Revised Table	None

- The change listed above specifically relates to the states of North Carolina, Georgia, and Alabama. This change will not affect Idaho.

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## Summary of Changes to ASTM D975 – Standard Specifications for Diesel Fuel Oils

<b>ASTM</b>	<b>Title</b>	<b>Changes</b>	<b>Impact on Idaho</b>
D975	Definitions	Added definitions	Minimal
		<ul style="list-style-type: none"> <li>Added definition for “additive” and “alternative blend-stock”. This will have no impact.</li> </ul>	

<b>ASTM</b>	<b>Title</b>	<b>Changes</b>	<b>Impact on Idaho</b>
D975	Appendix 3	Revised Appendix 3	Minimal
		<ul style="list-style-type: none"> <li>This change completely revises Appendix 3 to provide guidance for consumers of diesel fuels who may wish to store quantities of fuels for extended periods, or use diesel fuel in severe service areas, or high temperature applications. This change will have minimal impact on Idaho because it is for informational purposes only.</li> </ul>	

<b>ASTM</b>	<b>Title</b>	<b>Changes</b>	<b>Impact on Idaho</b>
D975	Subsection 6.2	Added subsection 6.2	Minimal
		<ul style="list-style-type: none"> <li>This new addition addresses the “workmanship” specification for diesel fuel. It requires diesel fuel to be free of any adulterant or contaminant that renders the fuel unacceptable for its commonly used applications. This will have minimal impact in Idaho.</li> </ul>	

<b>ASTM</b>	<b>Title</b>	<b>Changes</b>	<b>Impact on Idaho</b>
D975	Subsection 7.3 and 7.5	Revised Subsections	Minimal
		<ul style="list-style-type: none"> <li>This change revises subsections identifying “Alternative Fuels” and “Alternative Blend-stocks as alternative fuels. These changes will have minimal impact in Idaho.</li> </ul>	

<b>ASTM</b>	<b>Title</b>	<b>Changes</b>	<b>Impact on Idaho</b>
D975	Table 1	Revised footnotes	Minimal
		<ul style="list-style-type: none"> <li>These changes allow for alternative Test Methods when the primary Test method is not available. This change will have minimal impact in Idaho because it identifies alternatives to Test Methods that are unavailable. It also adds greater flexibility to fuel quality laboratories that may be limited in their scope.</li> </ul>	

<b>ASTM</b>	<b>Title</b>	<b>Changes</b>	<b>Impact on Idaho</b>
D975	Subsection 7.3.1.3	Added Test Method D7861	Minimal
		<ul style="list-style-type: none"> <li>This change allows for a specific Test Method in disputed cases, and identifies the specific Test Method used for final test result. This will have minimal impact in Idaho; however will add greater flexibility and clarity to fuel quality testing laboratories.</li> </ul>	

<b>ASTM</b>	<b>Title</b>	<b>Changes</b>	<b>Impact on Idaho</b>
D975	References	Removed ISO 16889	Minimal
		<ul style="list-style-type: none"> <li>This is a clerical change to remove “1999” from all ISO 16889 references. This change will have no impact on Idaho.</li> </ul>	

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**Summary of Changes to ASTM D6751 – Standard Specifications for Blend Stock (B100) for Distillate Fuels**

<b>ASTM</b>	<b>Title</b>	<b>Changes</b>	<b>Impact on Idaho</b>
D6751	Reference	Added Test Method D7344	Minimal
D6751	Reference	Added Test Method D7345	Minimal
D6751	Reference	Added Test Method D7689	Minimal
		<ul style="list-style-type: none"> <li>The 3 changes listed above add additional Test Methods. This will have minimal impact in Idaho because biofuels entering Idaho already meet similar standards.</li> </ul>	

<b>ASTM</b>	<b>Title</b>	<b>Changes</b>	<b>Impact on Idaho</b>
D6751	Subsection 5.1.9	Revised subsection	Minimal
		<ul style="list-style-type: none"> <li>This change identifies a reference material source. This change will have no impact in Idaho.</li> </ul>	

<b>ASTM</b>	<b>Title</b>	<b>Changes</b>	<b>Impact on Idaho</b>
D6751	Table 1	Revised footnote	Minimal

- This change adds language to a footnote to clarify variabilities associated with low temperature flow rates and contamination. This change adds clarification and will not impact Idaho.

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End of Document

## IDAPA 02 – DEPARTMENT OF AGRICULTURE

### 02.02.14 – RULES FOR WEIGHTS AND MEASURES

DOCKET NO. 02-0214-1702

#### NOTICE OF RULEMAKING – PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 71-111, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 20, 2017.

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

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Add definitions for Liquefied and Compressed Natural Gas, Diesel Gallon Equivalent (DGE), Gasoline Gallon Equivalent (GGE), and their metric equivalents. Add a provision allowing the GGE and DGE units as an acceptable method of sale for compressed and liquefied natural gas motor fuel.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

ISDA does not anticipate any fiscal impact from the changes to be made to the Rule during this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 5, 2017 Idaho Administrative Bulletin, [Vol. 17-7 page 20](#).

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Kevin Merritt, Section Manager at (208) 332-8690.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 27, 2017.

DATED this 1st day of August, 2017.

Brian J Oakey, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd.  
P.O. Box 790  
Boise, ID 83701  
Telephone: (208) 332-8500  
Fax: (208) 332-2170

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0214-1702  
(Only Those Sections With Amendments Are Shown.)

**010. DEFINITIONS.**

The Idaho Department of Agriculture adopts the definitions set forth in Sections 71-108 and 71-401, Idaho Code. (10-26-94)

**01. Biodiesel.** A fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100. (4-2-08)

**02. Biodiesel Blends.** A fuel comprised of a blend of biodiesel fuel with petroleum-based diesel fuel, designated BXX. In the abbreviation BXX, the XX represents the volume percentage of biodiesel fuel in the blend. (4-2-08)

**03. Person.** The word "person" shall be construed to import both the plural and singular, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this rule, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society or association as well as that of the person. (4-2-08)

**04. Compressed Natural Gas (CNG).** Natural Gas which has been compressed and dispensed into fuel storage containers and is suitable for use as an engine fuel. ( )

**05. Liquefied Natural Gas (LNG).** Natural gas that has been liquefied at minus one hundred sixty-two degrees Celsius (-162 °C) (minus two hundred sixty degrees Fahrenheit (-260 °F)) and stored in insulated cryogenic tanks for use as an engine fuel. ( )

**06. Gasoline Gallon Equivalent (GGE).** Equivalent to five point six hundred sixty thousandths (5.660) pounds (two point five hundred sixty seven thousandths (2.567) kilograms) of compressed natural gas. ( )

**07. Gasoline Liter Equivalent (GLE).** Equivalent to one point four hundred ninety-five thousandths (1.495) pounds (zero point six hundred seventy-eight thousandths (0.678) kilograms) of compressed natural gas. ( )

**08. Diesel Gallon Equivalent (DGE).** Equivalent to six point three hundred eighty-four thousandths (6.384) pounds of compressed natural gas or six point fifty-nine thousandths (6.059) pounds of liquefied natural gas. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**300. PETROLEUM PRODUCTS.**

**01. Liquefied Petroleum.** Liquefied petroleum gas shall be considered to be a petroleum product and shall be sold only by weight or liquid measure as provided in Sections 71-232 and 71-241, Idaho Code, of the Idaho Weights and Measures Law. (7-1-93)

**02. Metering System Installation.** A liquefied petroleum gas metering system installation shall be complete, that is, so installed to insure that liquefied petroleum gas is maintained in a liquid state while being metered. This includes an adequate means for vapor elimination upstream of meter and a properly installed and functioning differential valve downstream from meter. (7-1-93)

**03. Maintaining Scales.** Scales used for liquefied petroleum gas bottle filling shall be maintained in an adequate and accurate functioning condition. This means the periodic checking by a competent scale repairman, and checked regularly by your company's serviceman for any foreign material and clearances around lever system and working parts. Scales shall be installed so that they are protected against weather effects so that weight value indicating elements can be accurately read. (7-1-93)

**04. Gauge Stick Measurement.** Petroleum products shall not be sold by gauge stick measurement. (7-1-93)

**05. Single Meters.** Trucks with a single meter which are used to meter oils and gasolines shall be calibrated and adjusted on one of the following only: furnace or heating oils, diesel fuels, kerosene and/or high flash solvents. (7-1-93)

**06. Modified Procedure.** In addition to standard gallon pricing, the following modified procedures for retail motor fuel dispenser (gas pumps) with limited variator capability of ninety-nine cents (\$0.999) shall be permitted until January 1, 1983, for all establishments charging more than ninety-nine (\$0.999) per gallon: (7-1-93)

**a.** When using "half-gallon" pricing, the price per gallon of gasoline computed in fractional cents per gallon shall end in even tenths of a cent. (Examples: \$1.012, \$1.014, \$1.016, etc.) (7-1-93)

**b.** Each establishment shall use only "gallon," "half-pricing," or "liter" pricing or any combination thereof. (7-1-93)

**c.** All establishments selling by the "liter" shall post in a conspicuous place on the premises a chart allowing comparisons between gallon and liter prices. (7-1-93)

**d.** Establishments using "half-pricing" shall set the unit price on the pump at one-half of the selling price and legible decals shall be affixed to the face of each pump using figures that are the approximate size and print as the pump figures in the following manner: (Illustrations of the following may be obtained from the Bureau of Weights and Measures, Idaho Department of Agriculture.) (7-1-93)

**i.** Immediately following the unit price indications add the term "per one-half (1/2) gallon." (7-1-93)

**ii.** Immediately beneath the unit price indication, add the correct unit price "per gallon." (7-1-93)

**iii.** Immediately following the total price, add the term "one-half total price." (7-1-93)

**e.** Establishments using half-pricing shall post a notice in the vicinity of each island or group of pumps stating that the money values on the pump are computed at the one-half (1/2) gallon price basis. (7-1-93)

**f.** All roadside price signs must be complete and accurate. Price advertising using "liter" pricing must also use comparison gallon pricing. (7-1-93)

**g.** All sales must be within one cent (\$.01) mathematical agreement, when total sales price is compared with volume actually dispensed. (7-1-93)

**h.** Half-gallon pricing with full total price retail motor fuel dispensers shall be considered to be in compliance with Handbook 44 requirements, but only at each dispenser's present installation site and only until such time as any one (1) of the following conditions has occurred: (7-1-93)

**i.** The selling unit price of the product being dispensed exceeds one dollar and ninety-nine cents (\$1.99) per gallon; or (7-1-93)

**ii.** The dispensing device or its computing head is retired from service or replaced; or (7-1-93)

**iii.** The date of January 1, 1983, has arrived. (7-1-93)



i. The correct price per gallon of the product being dispensed must be posted conspicuously next to, but not obscuring, the indicated price per half-gallon display on both sides of the dispenser face. (7-1-93)

j. The above sections relating to one half-gallon pricing shall not apply when the retail motor fuel dispenser is modified by a one hundred (100) cent wheel kit (see Subsection 300.06.k.i. below) prior to January 1, 1983. (7-1-93)

k. This section is an exemption to the National Bureau of Standards, or its successor organization, the National Institute of Standards and Technology, Handbook No. 44, Section GS-5.2.3., Size and Character of Indicating Elements. (7-1-93)

i. Retail motor fuel dispensers in service in the state of Idaho as of December 31, 1981, which are limited in computing capability to nine hundred ninety-nine one thousandths cents (\$.999) per gallon, but which are satisfactorily modified by zero to ninety-nine cents (\$.00 to \$.99) analog decal overlay strips or replacement wheels so as to change dispenser computations over to full cent per gallon increment basis from one dollar to nine dollars and ninety-nine cents (\$1.00 to \$9.99) per gallon, are hereby granted an exemption from Section GS-5.2.3. of Handbook No. 44 providing that the dispenser is presently installed. This exemption is temporary and lasts until (a) the dispensing device or its computing head is taken out of service, OR (b) the date of January 1, 1985, has arrived. (7-1-93)

ii. All dispensers modified pursuant to this provision must meet all other applicable provisions of the National Bureau of Standards, or its successor organization, the National Institute of Standards and Technology, Handbook No. 44, including but not limited to, general code Section GS-5.5., Money Values--Mathematical Agreement. (7-1-93)

**07. Compressed Natural Gas. All compressed natural gas kept, offered or exposed for sale and sold at retail as a vehicle fuel shall be measured in terms of mass, and indicated in gasoline gallon equivalent (GGE), diesel gallon equivalent (DGE) units, or mass. ( )**

**08. Liquefied Natural Gas. All liquefied natural gas kept, offered, or exposed for sale and sold at retail as a vehicle fuel shall be measured in terms of mass, and indicated in diesel gallon equivalent (DGE) units, or mass. ( )**

## IDAPA 02 – DEPARTMENT OF AGRICULTURE

### 02.06.02 – RULES PERTAINING TO THE IDAHO COMMERCIAL FEED LAW

DOCKET NO. 02-0602-1701

#### NOTICE OF RULEMAKING – PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 25-2710, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 20, 2017.

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

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

To incorporate by reference information and updates contained in the 2018 Official Publication of the Association of American Feed Control Officials (AAFCO) as they pertain to the methodology and practice of conducting regulatory commercial feed registration and label review.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

ISDA does not anticipate any fiscal impact from the changes to be made to the Rule during this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the proposed amendment.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

ISDA has incorporated the Association of American Feed Control Officials (AAFCO) Official Publication into the Rules Pertaining to the Idaho Commercial Feed Law for a number of years. The only change to the incorporation by reference section is to the date of the Official Publication.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jared Stuart, Agriculture Section Manager at (208) 332-8622 or email [jared.stuart@isda.idaho.gov](mailto:jared.stuart@isda.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be delivered on or before September 27, 2017.

DATED this 1st day of August 2017.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd.  
P.O. Box 790  
Boise, ID 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0602-1701  
(Only Those Sections With Amendments Are Shown.)

**004. INCORPORATION BY REFERENCE.**

Copies of these documents may be viewed at the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.06.02 incorporates by reference: (3-30-07)

**01. The Association of American Feed Control Officials (AAFCO) Official Publication.** The Terms, Ingredient Definitions and Policies as published in the “2017~~8~~ Official Publication” of AAFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 25, Chapter 27, Idaho Code, and any rule promulgated thereunder. ~~The AAFCO Official Publication is a copyrighted publication and not available in electronic format.~~ A copy may be purchased online from the AAFCO website at: [www.aafco.org](http://www.aafco.org). (3-29-17)( )

**02. The Merck Index.** The “2006 Merck Index,” 14th Edition, as published by Merck Research Laboratories Division of Merck & Co., Incorporated. The Merck Index is a copyrighted publication and not available in an electronic format. A copy may be purchased online from Merck & Co., Inc at: <http://www.rsc.org/merckindex>. (4-7-11)

# Overview of Incorporations by Reference for IDAPA

## 02.06.02–Rules Pertaining to the Commercial Feed Law

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### INCORPORATION BY REFERENCE SYNOPSIS

In compliance with Section 67-5223(4), Idaho Code, the following is a synopsis of the differences between the materials previously incorporated by reference in this rule that are currently of full force and effect and newly revised or amended versions of these same materials that are being proposed for incorporation by reference under this rulemaking.

The following agency of the state of Idaho has prepared this synopsis as part of the proposed rulemaking for the chapter cited here under the docket number specified:

*Idaho State Department of Agriculture  
IDAPA 02.06.02 - Rules Pertaining to the Commercial Feed Law  
Proposed Rulemaking - Docket No. 02-0602-1701*

IDAPA 02.06.02 incorporates by reference the official publication of the Association of American Feed Control Officials (AAFCO).

*IDAPA 02.06.02 {...} 004. INCORPORATION BY REFERENCE.*

*Copies of these documents may be viewed at the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.06.02 incorporates by reference: (3-30-07)*

*01. The Association of American Feed Control Officials (AAFCO) Official Publication. The Terms, Ingredient Definitions and Policies as published in the “2016 Official Publication” of AAFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 25, Chapter 27, Idaho Code, and any rule promulgated thereunder. The AAFCO Official Publication is a copyrighted publication and not available in electronic format. A copy may be purchased online from the AAFCO website at: [www.aafco.org](http://www.aafco.org). (3-29-17)*

The changes made to the 2018 AAFCO official publication will be determined at the annual meeting which will take place this summer.

**IDAPA 02 – DEPARTMENT OF AGRICULTURE**  
**02.06.12 – RULES PERTAINING TO THE IDAHO FERTILIZER LAW**  
**DOCKET NO. 02-0612-1701**  
**NOTICE OF RULEMAKING – PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 22-604, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 20, 2017.

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

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

To incorporate by reference information and updates contained in the 2018 Official Publication of the Association of American Plant Food Control Officials (AAPFCO) as they pertain to the methodology and practice of conducting regulatory fertilizer registration and label review.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

ISDA does not anticipate any fiscal impact from the changes to be made to the Rule during this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the proposed amendment.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

The Association of American Plant Food Control Officials (AAPFCO) Official Publication and the Official Methods of Analysis (OMA) published by the Association of Official Agricultural Chemists (AOAC) International are the recognized and primary reference books of approved fertilizer terms, ingredient definitions and policies used by the fertilizer industry and all state and federal fertilizer control officials and regulators.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jared Stuart, Agriculture Section Manager at (208) 332-8622 or email [jared.stuart@isda.idaho.gov](mailto:jared.stuart@isda.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be delivered on or before September 27, 2017.

DATED this 1st day of August, 2017.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd.  
P.O. Box 790  
Boise, ID 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0612-1701**  
**(Only Those Sections With Amendments Are Shown.)**

**004. INCORPORATION BY REFERENCE.**

Copies of these documents may be viewed at the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.06.12 incorporates by reference: (4-7-11)

**01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication.**

The Terms, Ingredient Definitions, and Policies, as published in the “2017~~8~~ Official Publication” of AAPFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 22, Chapter 6, Idaho Code, and any rule promulgated thereunder. The AAPFCO Official Publication is a copyrighted publication and not available in electronic format. A copy may be purchased online from the AAPFCO website at: [http://www.aapfco.org/pdf/order\\_form\\_70.pdf](http://www.aapfco.org/pdf/order_form_70.pdf). (~~3-29-17~~)(    )

**02. The Merck Index.** The “2006 Merck Index,” 14th Edition as published by Merck Research

Laboratories Division of Merck & Co., Incorporated. The Merck Index is a copyrighted publication and not available in an electronic format. A copy may be purchased online from Merck & Co., Inc. (now hosted by the Royal Society of Chemistry) at: <http://www.rsc.org/merckindex>. (4-7-11)

**03. The Association of Official Agricultural Chemists (AOAC) International.** The “2005 Official

Methods of Analysis (OMA) of the AOAC,” 18th Edition, a copyrighted publication, is maintained and published by the AOAC International. The AOAC OMA is available in electronic format at: [www.EOMA.AOAC.org](http://www.EOMA.AOAC.org). A copy may be purchased online from AOAC International. (3-29-12)

# Overview of Incorporations by Reference for IDAPA 02.06.12–Rules Pertaining to the Idaho Fertilizer Law

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## INCORPORATION BY REFERENCE SYNOPSIS

In compliance with Section 67-5223(4), Idaho Code, the following is a synopsis of the differences between the materials previously incorporated by reference in this rule that are currently of full force and effect and newly revised or amended versions of these same materials that are being proposed for incorporation by reference under this rulemaking.

The following agency of the state of Idaho has prepared this synopsis as part of the proposed rulemaking for the chapter cited here under the docket number specified:

***Idaho State Department of Agriculture  
IDAPA 02.06.12 - Rules Pertaining to the Idaho Fertilizer Law  
Proposed Rulemaking - Docket No. 02-0612-1701***

IDAPA 02.06.12 incorporates by reference the official publication of the Association of American Plant Food Control Officials (AAPFCO).

*IDAPA 02.06.12 {...} 004. INCORPORATION BY REFERENCE. Copies of these documents may be viewed at the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.06.12 incorporates by reference: (4-7-11)*

*01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication. The Terms, Ingredient Definitions, and Policies, as published in the “2016 Official Publication” of AAPFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 22, Chapter 6, Idaho Code, and any rule promulgated thereunder. The AAPFCO Official Publication is a copyrighted publication and not available in electronic format. A copy may be purchased online from the AAPFCO website at: [http://www.aapfco.org/pdf/order\\_form\\_70.pdf](http://www.aapfco.org/pdf/order_form_70.pdf). (3-29-17)*

The changes made to the 2018 AAPFCO official publication will be determined at the annual meeting which will take place this summer.

**IDAPA 02 – DEPARTMENT OF AGRICULTURE**  
**02.06.21 – RULES FOR VOLUNTARY PUBLIC SERVICES OF**  
**THE IDAHO DEPARTMENT OF AGRICULTURE LABORATORIES**  
**DOCKET NO. 02-0621-1701 (CHAPTER REPEAL)**  
**NOTICE OF RULEMAKING – PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 22-604, 22-2006, 22-2204, and 25-2710, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 20, 2017.

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

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Historically the Feed and Fertilizer (F&F) Laboratory's primary function (>90%) has been regulatory/enforcement testing. However, it occasionally accepts public service samples on a fee basis. Since January 2014, the lab had 28 customers totaling \$18,114.18 of business. Of that amount, 84% or \$15,223.35 came from two other State Agencies from Oregon and Michigan that use the ISDA F&F Lab because of its extremely low prices. The primary mission of the F&F Lab is to provide enforcement testing services in an accurate and timely manner. These public service samples, for the most part, do not even benefit Idaho residents and tie up valuable lab space and time. Therefore, the ISDA has halted voluntary service sample testing as of January 1st, 2017.

The ISDA is repealing the rule for voluntary public services.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: No fiscal impact is expected.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 5, 2017 Idaho Administrative Bulletin, [Volume 17-7, page 27](#).

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Dan Salmi at (208) 332-8526 or [Daniel.salmi@isda.idaho.gov](mailto:Daniel.salmi@isda.idaho.gov). Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 27, 2017.

DATED this 1st day of August, 2017.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
Phone: (208) 332-8500 / Fax: (208) 334-2170

2270 Old Penitentiary Rd  
P.O. Box 790  
Boise, ID 83701

**IDAPA 02.06.21 IS BEING REPEALED IN ITS ENTIRETY**



## IDAPA 02 – DEPARTMENT OF AGRICULTURE

### 02.06.41 – RULES PERTAINING TO THE IDAHO SOIL AND PLANT AMENDMENT ACT OF 2001

DOCKET NO. 02-0641-1701

#### NOTICE OF RULEMAKING – PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 22-2204, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 20, 2017.

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

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

To incorporate by reference information and updates contained in the 2018 Official Publication of the Association of American Plant Food Control Officials (AAPFCO) as they pertain to the methodology and practice of conducting regulatory soil and plant amendment registration and label review.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

ISDA does not anticipate any fiscal impact from the changes to be made to the Rule during this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the proposed amendment.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

The Association of American Plant Food Control Officials (AAPFCO) Official Publication and the Official Methods of Analysis (OMA) published by the Association of Official Agricultural Chemists (AOAC) International are the recognized and primary reference books of approved fertilizer terms, ingredient definitions and policies used by the industry and all state and federal soil and plant amendments control officials and regulators.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jared Stuart Agriculture Section Manager at (208) 332-8622 or [jared.stuart@isda.idaho.gov](mailto:jared.stuart@isda.idaho.gov). Anyone may submit written comments regarding this proposed rulemaking. All written comments must be delivered on or before September 27, 2017.

DATED this 1st day of August, 2017.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd.  
P.O. Box 790  
Boise, ID 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0641-1701**  
**(Only Those Sections With Amendments Are Shown.)**

**004. INCORPORATION BY REFERENCE.**

Copies of these documents may be viewed at the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.06.41 incorporates by reference: (4-7-11)

**01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication.**

The terms, ingredient definitions and policies as published in the “2017~~8~~ Official Publication” of AAPFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 22, Chapter 22, Idaho Code, and any rule promulgated thereunder. The AAPFCO Official Publication is a copyrighted publication and not available in electronic format. A copy may be purchased online from the AAPFCO website at: [http://www.aapfco.org/pdf/order\\_form\\_70.pdf](http://www.aapfco.org/pdf/order_form_70.pdf). (~~3-29-17~~)(    )

**02. The Merck Index.** The “2006 Merck Index,” 14th Edition, as published by Merck Research

Laboratories Division of Merck & Co., Incorporated. The Merck Index is a copyrighted publication and not available in an electronic format. A copy may be purchased online from Merck & Co., Inc. (now hosted by the Royal Society of Chemistry) at: <http://www.rsc.org/merckindex..> (4-7-11)

**03. The Association of Official Agricultural Chemists (AOAC) International.** The “2005 Official

Methods of Analysis (OMA) of the AOAC,” 18th Edition, a copyrighted publication, is maintained and published by the AOAC International. The AOAC OMA is available in electronic format at: [www.EOMA.AOAC.org](http://www.EOMA.AOAC.org). A copy may be purchased online from AOAC International. (3-29-12)

# Overview of Incorporations by Reference for IDAPA 02.06.41–Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001

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## INCORPORATION BY REFERENCE SYNOPSIS

In compliance with Section 67-5223(4), Idaho Code, the following is a synopsis of the differences between the materials previously incorporated by reference in this rule that are currently of full force and effect and newly revised or amended versions of these same materials that are being proposed for incorporation by reference under this rulemaking.

The following agency of the state of Idaho has prepared this synopsis as part of the proposed rulemaking for the chapter cited here under the docket number specified:

*Idaho State Department of Agriculture  
IDAPA 02.06.41 - Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001  
Proposed Rulemaking - Docket No. 02-0641-1701*

IDAPA 02.06.41 incorporates by reference the official publication of the Association of American Plant Food Control Officials (AAPFCO).

*IDAPA 02.06.41 {...} 004. INCORPORATION BY REFERENCE. Copies of these documents may be viewed at the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.06.41 incorporates by reference: (4-7-11)*

*01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication. The terms, ingredient definitions and policies as published in the “2016 Official Publication” of AAPFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 22, Chapter 22, Idaho Code, and any rule promulgated thereunder. The AAPFCO Official Publication is a copyrighted publication and not available in electronic format. A copy may be purchased online from the AAPFCO website at: [http://www.aapfco.org/pdf/order\\_form\\_70.pdf](http://www.aapfco.org/pdf/order_form_70.pdf). (3-29-17)*

The changes made to the 2018 AAPFCO official publication will be determined at the annual meeting which will take place this summer.