

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
Idaho State Department of Agriculture:

IDAPA 02.06.02 - Rules Pertaining to the Idaho Commercial Feed Law - Proposed Rule (Docket
No. 02-0602-1801).

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 09/24/2018. 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 10/23/2018.

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 06, 2018

SUBJECT: Idaho State Department of Agriculture

IDAPA 02.06.02 - Rules Pertaining to the Idaho Commercial Feed Law - Proposed Rule (Docket No. 02-0602-1801)

Summary and Stated Reasons for the Rule

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 rule is to incorporate by reference the 2019 edition of the 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 includes a synopsis of the materials incorporated by reference and states that it has incorporated the Association of American Feed Control Officials Official Publication into its rules for a number of years and the only change being made now is to the date of the publication.

Negotiated Rulemaking / Fiscal Impact

The department notes that negotiated rulemaking was not conducted due to the simple nature of the proposed change. The department states that no fiscal impact is anticipated.

Statutory Authority

The rulemaking appears to be authorized pursuant to Section 25-2710, Idaho Code.

cc: Department of Agriculture
Brian J. Oakey

*** PLEASE NOTE ***

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
www.legislature.idaho.gov

Per the Idaho Constitution, all administrative rules must be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.06.02 – RULES PERTAINING TO THE IDAHO COMMERCIAL FEED LAW

DOCKET NO. 02-0602-1801

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 19, 2018.

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 2019 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.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be delivered on or before September 26th, 2018.

Dated this 2nd day of August, 2018.

Brian Oakey
Deputy Director
Idaho Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701
Phone: (208) 332-8550
Fax: (208) 334-2710

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0602-1801
(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 “201~~8~~⁹ 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. A copy may be purchased online from the AAFCO website at: www.aaeco.org. (~~3-28-18~~)

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

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. 02-0602-1801***

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 “2018 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. A copy may be purchased online from the AAFCO website at: www.aafco.org. (3-28-18)

The following changes will be made to the 2019 AAFCO official publication incorporated by reference.

Changes for the 2019 AAFCO Official Publication

1. General Changes

Changed	Chapter	Description	Page Number
2018 r 1 2019 OP	Chapter 2	Updated contacts in all directories	11–68
2019 OP	Chapter 2	Updated the State Regulatory Requirements Summary table	77–83
2018 r 1	Chapter 3	By-Laws updates: Article IV Sections 1 and 2, Article V Section 1, Article VI Section 1	86–89
2018 r 1	Chapter 4	Modified Section 3 (p), (q), and (u)	108
2019 OP	Chapter 4	Modified Regulation 4(a)	130
2018 r 1	Chapter 4	Updated Regulation 4(d)(3)	130
2019 OP	Chapter 4	Modified title of Regulation 9	134
2018 r 1	Chapter 4	Added new Regulation PF4(a)(3)	142
2018 r 1	Chapter 4	Added new Regulation PF10(c)	150
2018 r 1	Chapter 5	Add item 30 to Statements for Uniform Interpretation and Policy	235
2018 r 1	Chapter 5	Adjusted label-format table for non-medicated and medicated feed	236
2019 OP	Chapter 5	Adjusted Guaranteed Analysis on feed labels	238, 243
2019 OP	Chapter 5	Adjusted Table 1 indicating that nutrient guarantees for ADF are now required for the equine species	245
2018 r 1	Chapter 5	Adjusted text in Categories of Establishments section	253
2018 r 1	Chapter 5	Adjusted text in Background section	261
2019 OP	Chapter 5	Replaced description of Analytical Variations and the following table	293–295
2018 r 1	Chapter 5	Updated Drug Listing tables	321–322
2018 r 1	Chapter 5	Updated 2 tables: (1) Food and Drug Administration's Assay Control Limitations for Animal Drugs in Type B and Type C Medicated Feeds and (2) Food and Drug Administration's Assay Control Limitations for Animal Drugs in Type A Medicated Articles	323–326
2019 OP	Chapter 6	Added last paragraph in the 30. Enzymes section	373
2019 OP	Chapter 6	Adjusted microorganisms in 36.14	387–388
2018 r 1	Chapter 6	Moved definitions 60.1, 60.2, 60.28, 60.8, and 60.112 to section 40	389–390
2018 r 1	Chapter 7	Replaced 2017 Midyear Business Meeting Minutes and 2016 Annual Meeting Committee Reports with most recent versions	515–589

(continued)

Changed	Chapter	Description	Page Number
2019 OP	Chapter 7	Replaced 2017 Annual Business Meeting Minutes and 2017 Midyear Meeting Committee Reports with most recent version	590–666

2. Definitions Moved from Tentative to Official

Changed	Previous Listing	Description	Page Number and Section
2018 r l	T9.10	Poultry By-Product Meal	355, 9.10
2018 r l	T9.14	Poultry By-Products	356, 9.14
2018 r l	T9.57	Poultry	358, 9.57
2018 r l	T9.71	Poultry Meal	360, 9.71
2018 r l	T36.14	Direct-Fed Microorganisms	387, 36.14
2019 OP	T40.100	Recovered Retail Food	390, 40.100
2018 r l	T60.117	Dried Black Soldier Fly Larvae	421, 60.117

3. New Definitions Added as Tentative

Changed	New Section Number	Description	Page Number
2018 r l	T60.117(B)	Dried Black Soldier Fly Larvae	421
2019 OP	T69.8	Oat Fiber	426
2019 OP	T71.40	Low Glucosinolate High Erucic Acid Rapeseed Meal, Solvent Extracted	428
2018 r l	T73.051	Iron Tartrates	444
2018 r l	T73.311	Hydrogenated Glycerides	444
2019 OP	T73.450	Cashew Nut Shell Liquid	445
2019 OP	T87.50	Cashew Nut Shell Extract	492

4. Official Definitions Added

Changed	Section Number	Description	Page Number
2018 r l	33.17	Gamma-Linolenic Acid Safflower Oil	382
2018 r l	73.045	Pyrophyllite	440

2019 Official Publication Changes

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5. Official Definitions Modified

Changed	Section Number	Description	Page Number
2019 OP	18.1	Chemical Preservatives	363
2018 r 1	73.001	Technical Additives Table	429
2019 OP	73.020	Ammonium Formate	434
2019 OP	73.025	Formic Acid	436
2018 r 1	101 Table 101.1	GRAS Notified Substances Intended for Animal Food	511

6. Tentative Definitions Modified

Changed	Section Number	Description	Page Number
2018 r 1	T71.35	<i>Brassica carinata</i> Meal, Solvent Extracted	428