

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 02.04.29 - Rules Governing Trichomoniasis - Proposed Rule (Docket No. 02-0429-1801).

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 02.04.29 - Rules Governing Trichomoniasis - Proposed Rule (Docket No. 02-0429-1801)

Summary and Stated Reasons for the Rule

The Idaho State Department of Agriculture (ISDA) submits notice of proposed rule at IDAPA 02.04.29 - Rules Governing Trichomoniasis. According to the department, the Animal Health Lab has updated the protocol for Trichomonas foetus testing. The department notes that changes include additional details and options for veterinarians to collect and transport samples to the laboratory. The department states that the changes will allow veterinarians to utilize more cost effective ways to submit samples to the lab for testing. In addition, the new version was rewritten to eliminate irrelevant and repetitive information. An incorporation by reference synopsis is included. The department notes that the Animal Health Lab has established a peer reviewed protocol to ensure Trichomoniasis testing is conducted in a very accurate manner. The department goes on to state that to ensure other labs maintain this strict standard, it has incorporated by reference the lab's requirements. According to the department, with approval by the Division of Animal Industries, other non-ISDA labs can conduct testing in Idaho, but they are required to maintain ISDA practices outlined in the document "Protocol for Trichomonas foetus Diagnosis in Cattle."

Negotiated Rulemaking / Fiscal Impact

The department states that negotiated rulemaking was conducted. No fiscal impact is anticipated.

Statutory Authority

The rulemaking appears to be authorized pursuant to chapter 2, Title 25, Idaho Code, and specifically Section 25-203, Idaho Code.

cc: Department of Agriculture
Brian J. Oakey

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

***** PLEASE NOTE *****

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

02.04.29 – RULES GOVERNING TRICHOMONIASIS

DOCKET NO. 02-0429-1801

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(s) Title 25, Chapter 2, 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:

IDAPA 02.04.29.330.01 states “Official laboratories shall operate in accordance with the official Idaho “Protocol for *Trichomonas foetus* Diagnosis in Cattle,” 2018 Edition, as amended. The ISDA-Animal Health Lab has updated this protocol for *Trichomonas foetus* testing. Since this procedure is incorporated by reference, it should be updated. Specific changes include additional details and options for veterinarians to collect and transport samples to the laboratory. These changes will allow veterinarians to utilize more cost effective ways to submit *Trichomonas foetus* samples to the lab for testing. The new version was also rewritten to eliminate irrelevant and repetitive information.

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: N/A

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 4, 2018 Idaho Administrative Bulletin, [Vol. 18-7, page 23](#).

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 ISDA-Animal Health Lab has established a peer reviewed protocol to ensure Trichomoniasis testing is conducted in a very accurate manner. To ensure other labs maintain this strict standard, we have incorporated by reference our laboratory requirements. With approval by the ISDA–Division of Animal Industries, other non-ISDA labs can conduct Trichomoniasis testing in Idaho, but they are required to maintain ISDA practices outlined in the ISDA document “Protocol for *Trichomonas foetus* Diagnosis in Cattle”.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Dan Salmi, (208) 332-8526.

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 26, 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. 02-0429-1801
(Only Those Sections With Amendments Are Shown.)

004. INCORPORATION BY REFERENCE.

~~01. **Incorporated Document.** IDAPA 02.04.29 incorporates by reference the official 2018 Edition of Idaho “Protocol for *Trichomonas foetus* Diagnosis in Cattle” which can be viewed online at <https://agri.idaho.gov/main/laboratories/animal-health-laboratories/protocol-for-trichomonas-diagnosis-in-cattle/>. ~~(4-7-11)()~~~~

~~02. **Availability of Document.** Copies of this document may be obtained from the Idaho State Department of Agriculture. ~~(3-30-07)~~~~

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 02.04.29 - Rules Governing Trichomoniasis
Proposed Rulemaking - Docket No. 02-0429-1801

IDAPA 02.04.29.330-01 states “Official laboratories shall operate in accordance with the official Idaho “Protocol for *Trichomonas foetus* Diagnosis in Cattle”. The ISDA-Animal Health Lab has updated this protocol for *Trichomonas foetus* testing. Specific changes include additional details and options for veterinarians to collect and transport samples to the laboratory. These changes will allow veterinarians to utilize more cost effective ways to submit *Trichomonas foetus* samples to the lab for testing. The updated protocol also eliminates out of date terminology such as “q-PCR” and requires the laboratory to utilize USDA approved testing materials.