



ISDA Rulemaking 101

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Senate Agricultural Affairs Committee
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ATTACHMENT A

Since the 2021 Legislative Session

- ▶ Without legislative action to approve administrative rules in 2021, all rules had to be re-published
- ▶ Multiple opportunities for public input and comment
 - ▶ ZBR – April, May, June meetings
 - ▶ July – Temporary Rules
 - ▶ October – Proposed Rules
 - ▶ January – Pending Rules
- ▶ For ISDA, those dockets are comprehensive and included ALL agency rules, with the exception of Hemp
- ▶ Hemp is the only new rule

What has changed? (IBR)

- ▶ Incorporation by Reference (IBR)
 - ▶ What is IBR?
 - ▶ It's how rules can include federal regulations, industry standards, etc. in a rule without including all that text in the rule itself.
 - ▶ Updates are to keep the reference current
 - ▶ Updated for five rules
 - ▶ Weights and Measures
 - ▶ Grade A Milk
 - ▶ Registrations and Licenses
 - ▶ Potatoes
 - ▶ Organics

What has changed? (ZBR)

- ▶ Zero Based Rulemaking (ZBR)
 - ▶ Executive Order – review for compliance with statute, consistency and relevance...start at ground zero
 - ▶ Five year schedule for reviewing all agency rules
 - ▶ Emphasis on stakeholder involvement
 - ▶ 2021: 9 rules
 - ▶ March Notice for 3 hearings – April, May, June – for each rule
 - ▶ Meetings held via web conference
 - ▶ Broad stakeholder involvement – Bear Lake to Boundary; Caldwell to Idaho Falls

Zero Based Rulemaking (ZBR)

- ▶ Department review – internal reviews of each rule to identify rule language that is redundant, not current with statute, not current with industry practice, not current with agency resources or practice, not necessary, unclear language
- ▶ Department draft changes to the rule
- ▶ Rulemaking meetings – walk line by line through the rule, discuss agency recommendations, hear any proposals from stakeholders
- ▶ Working draft updated and posted between meetings
- ▶ Consensus was the target
- ▶ Changes had to be consistent with authority, etc.

Summary

- ▶ Non-Fee Omnibus Docket (02-0000-2100) – 12 rules w/ no changes; 1 rule w/ IBR updates; 4 rules ZBR with minor changes; 1 rule ZBR with more significant changes
- ▶ Fee Omnibus Docket (02-0000-2100F) – 15 rules w/ no changes; 2 rules with IBR updates; 2 rules ZBR w/ minor changes; 3 rules ZBR w/ more significant changes
- ▶ Hemp Rule



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