



Proposed/Temporary Administrative Rules Form

Section 1 (To be Completed by Agency)

Agency Name: Idaho State Department of Agriculture		STARS Agency Code: 210	Fax Number: 208-334-4062	Date: 6/20/12
Contact Person: Scott Leibsle	Title: Deputy State Veterinarian; Animal Health Bureau Chief	Phone: 208-332-8614	Email: Scott.leibsle@agri.idaho.gov	
Person Authorizing Rule: Brian Oakey	Title: Deputy Director	Phone: 208-332-8552	Email: Brian.oakey@agri.idaho.gov	
Statutory Authority for the rule making (Idaho Code, Federal Statute or Regulation): Section 25-221, Idaho Code				
Title, Chapter, and Possible Docket (IDAPA) Number: IDAPA 02.04.21 Rules Governing Importation of Animals				
This rule is: <input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Temporary			Effective Date:	
<p>If this is a temporary rule:</p> <p><input type="checkbox"/> Necessary to protect the public health, safety, or welfare; or</p> <p><input type="checkbox"/> Compliance with deadlines in amendments to governing law or federal programs; or</p> <p><input type="checkbox"/> Conferring a benefit.</p> <p>Please explain:</p>				
If this is a temporary rule which imposes a fee or charge, provide justification as described in Idaho Code 67-5226(2):				
Agency has determined according to Idaho Code 67-5220(1): <input checked="" type="checkbox"/> This rule is to be negotiated <input type="checkbox"/> Negotiation of this rule is not feasible				
If rule is negotiated: Agency certifies that the rule <input type="checkbox"/> has been or <input checked="" type="checkbox"/> will be negotiated with interested persons as outlined in Idaho Code 67-5220(3). <i>(indicate which)</i>				
If rule negotiation is not feasible, the agency has determined: <input type="checkbox"/> Rule is temporary; or <input type="checkbox"/> Lack of identifiable representatives of affected interests; or <input type="checkbox"/> Rule is simple in nature; or <input type="checkbox"/> Affected interests are not likely to reach consensus; or <input type="checkbox"/> Other.				
Please explain:				
Provide a fiscal impact statement for all programs affected. Be sure to reflect both positive and negative impacts and to include all fund sources including both the General Fund and dedicated funds: ISDA does not anticipate any fiscal impact from the changes to be made to the Rule during this rulemaking.				

Provide a short explanation of the need for this rule:

There are sections that need to be amended for clarity and sections that require updating to coincide with changes in the industry or to establish consistency between rules.

Provide a short summary of the changes this rule makes:

IDAPA 02.04.21.601.01 – The petitioner is requesting the brucellosis testing requirement for cervidae be amended because the existing wording implies that two separate blood samples are required for testing, when the actual requirement is two different tests administered from a single blood sample. This would clarify that the producer need only work his elk once to collect blood.

IDAPA 02.04.21.601.03 – The petitioner is requesting the Red Deer Gene Factor (RDGF) testing requirement for cervidae be amended because at the time the rule was written in 2009, Montana was the only state to have implemented a RDGF prevention program, which the existing rule grants a testing exemption for if a producer's herd was enrolled in the program. Since then, several states have implemented a RDGF program and it is requested that the rule be amended to grant a testing exemption for a herd enrolled in any state's RDGF program, not just Montana's.

IDAPA 02.04.21.606 – The petitioner requests the import requirement for tuberculosis (TB) testing be amended to grant an exemption for any cervidae moving between AZA accredited facilities and those facilities that have a USDA exhibitor permit. The existing rule requirements are redundant to require TB testing for movement between these facilities which are both federally regulated for TB prevention. The change would prevent a producer from having to re-test an animal that is moving between these types of facilities.

Provide a list of those persons or interest group(s) affected by this rule:

Cervidae producers and industry members

Section 2 (To be Completed by DFM)

DFM Analyst Comments:

There has been some confusion with the number of blood samples needed and this clarifies the rule that only one blood sample is needed but two different test must be performed. This rule changes will update the rule with current industry standards.

DFM Analyst Fiscal Impact Review:

None

DFM Analyst Signature & Date:

Anita Hamann, June 26, 2012

Recommend:

Yes No

Gov Special Assistant Signature & Date:

Bonnie Butler, 06-27/12

Recommend:

Yes No

DFM Administrator Action:

- Approved
- Authorized to Advance Rulemaking Process, DFM to review draft rule prior to publication (See Section 3)
- Not Approved

DFM Administrator Signature & Date:

 6/28/12

Section 3 (To Be Completed By DFM if Required)

DFM Analyst Signature & Date:

Recommend:

Yes No

DFM Administrator Signature & Date:

Approved:

Yes No