

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.06.33 Organic Food Product Rules

DOCKET NO. 02-0633-1201

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 22-1103, 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 October 17, 2012.

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 non-technical explanation of the substance and purpose of the proposed rulemaking:

The proposed rule provides industry with a new optional seal for promotion purposes, and a new optional registration of branded materials for organic use.

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

ISDA may charge fees no greater than the following amounts to those persons desiring to register branded materials with the Organic Foods Program:

- \$200 initially, and annually thereafter, to persons already accredited by another qualifying materials entity.
- \$500 initially, and from \$500 to \$5000 annually relative to the amount of annual sales of the registered materials

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: No impact on the general fund. The Organic Food Program Fund 0332-10 will have increased annual revenue estimated at \$10,000 to \$20,000 to cover estimated costs of providing services to industry.

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, 2012 Idaho Administrative Bulletin, Vol. 12-7, Page 27. A negotiated rulemaking meeting was held at the Idaho State Department of Agriculture on July 16.

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 Brandon Lamb, Program Manager at (208) 332-8675.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to Brandon Lamb and must be delivered on or before October 24, 2012. Comments can be delivered via email to Brandon.Lamb@agri.idaho.gov or via regular mail to Brandon Lamb's attention at the address listed below.

DATED this 31st day of August, 2012.

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