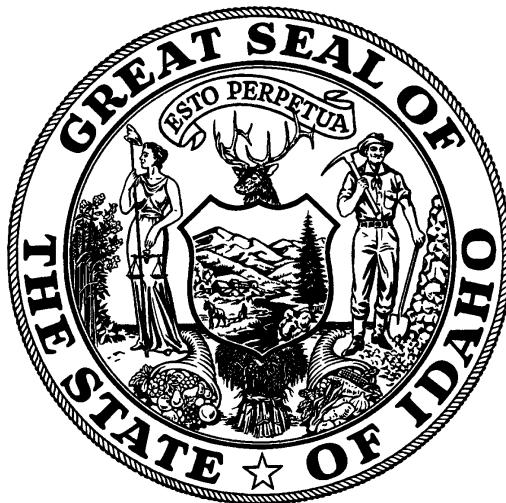


PENDING RULES

COMMITTEE RULES

REVIEW BOOK

Submitted for Review Before
House Agricultural Affairs Committee
68th Idaho Legislature
Second Regular Session – 2026



Prepared by:

*Office of the Administrative Rules Coordinator
Division of Financial Management*

January 2026

HOUSE AGRICULTURAL AFFAIRS COMMITTEE

ADMINISTRATIVE RULES REVIEW

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IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.01.08 – RULES GOVERNING GRIZZLY BEAR AND WOLF DEPREDATION

DOCKET NO. 02-0108-2501 (NEW CHAPTER)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo](#)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224](#)(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section [36-1121](#), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

Negotiated meetings were held on May 15, May 27, and July 17 with participation from agencies and stakeholders. Proposed amendments to the rule reflect those changes in statute outlined in authorizing statute as amended by the Idaho Legislature in H592 in the 2024 session, and again by H82 in the 2025 session.

Amendments to be consistent with statute include adding a definition of “possible”, changing “validated” to “confirmed”, and recognizing the Idaho Depredation Wildlife Appeals Board reports as Investigation Reports for the purposes of reimbursing for depredations by grizzly bears and wolves. Further clarification has been added regarding the depredation reimbursement process and protocols.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 14-17](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

There are no fees associated with this rule.

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:

There is no fiscal impact due to this administrative rule.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Lloyd Knight, (208)332-8615.

DATED this 7th day of January, 2026.

Lloyd B. Knight, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, ID 83707
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Email: Lloyd.knight@isda.idaho.gov

THE FOLLOWING NOTICE PUBLISHED WITH THE 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 36-1121](#), 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 15, 2025.

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:

Negotiated meetings were held on May 15, May 27, and July 17 with participation from agencies and stakeholders. Proposed amendments to the rule reflect those changes in statute outlined in authorizing statute as amended by the Idaho Legislature in [H592](#) in the 2024 session, and again by [H82](#) in the 2025 session.

Amendments to be consistent with statute include adding a definition of “possible”, changing “validated” to “confirmed”, and recognizing the Idaho Depredation Wildlife Appeals Board reports as Investigation Reports for the purposes of reimbursing for depredations by grizzly bears and wolves. Further clarification has been added regarding the depredation reimbursement process and protocols.

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

There are no fees associated with this rule.

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:

There is no fiscal impact due to this administrative rule.

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 May 7, 2025 Idaho Administrative Bulletin, [Volume 25-5, 19-20](#).

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:

No materials are incorporated by reference.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lloyd Knight, (208)332-8615.

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 October 22, 2025.

DATED this 1st day of October, 2025.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0108-2501

02.01.08 – RULES GOVERNING GRIZZLY BEAR AND WOLF DEPREDATION

000. LEGAL AUTHORITY.

Section 36-1121, Idaho Code.

()

001. SCOPE.

This chapter governs compensation to livestock owners that have experienced depredation of livestock by grizzly bear and/or wolves.

()

002. – 009. (RESERVED)

010. DEFINITIONS.

For the purposes of this rule, the following are defined as:

()

01. **Depredation.** The damage or destruction of property, including livestock, by a wolf or grizzly bear.

()

02. **Producer.** Any person who owns livestock for purposes of herding, breeding, raising, or selling.

()

03. **Confirmed.** A finding that depredation was definitive as determined by a state authorized investigator through a physical field examination.

()

04. **Probable.** A finding that depredation was likely as determined by a state authorized investigator through a physical field examination.

()

05. **Possible.** A finding that depredation may have occurred, but the evidence available during the physical field examination is insufficient to support a probable or confirmed determination. The cause of death may be unclear.

()

06. **Negative/Unknown Finding.** A finding on the physical field examination that the depredation was not definitively due to a grizzly bear or wolf attack or is unknown/inconclusive.

()

07. **State Authorized Investigator.** United States Department of Agriculture (USDA) Wildlife Services or other state, federal, or county agency, that has been approved by the Agencies to perform physical field examinations. The Idaho Depredating Wildlife Appeals Board is considered a State Authorized Investigator.

()

08. **Physical Field Examination.** An on-site examination performed by a state authorized investigator to examine the incident, and a cause will be determined based on evidence collected.

()

09. **The Agencies.** The Idaho State Department of Agriculture, Department of Fish and Game, and Office of Species Conservation, collectively.

()

011. – 100. (RESERVED)

101. COMPENSATION MATRIX FOR DEPREDATED LIVESTOCK.

01. **Compensation Valuation.** The program employs the following protocols for determining

compensation valuation of livestock. ()

a. Prices paid will be based on the market rate for the grazing season/calendar year in which the losses occurred. This market rate is based on the type of livestock that was depredated. Reports that may be used are: a comprehensive nationwide average through Cattlefax (www.cattlefax.com), USDA reports, American Sheep Industry market reports, a compilation of USDA private market data and local prices. The rates are listed for adult cows, bulls, calves, ewes, rams, lambs, equine, goats, llamas, swine, poultry, and bees. ()

b. Compensation will be paid based upon site specific information regarding actual losses (kills or injuries) submitted by the applicant with the Species Depredation Investigation Report being the foundation of the claim. Actions by the Idaho Depredating Wildlife Appeals Board will be considered the final Investigation Report for the purposes of this chapter, per Section 22-5501, Idaho Code. ()

c. Injured Livestock Compensation. Producers may be compensated for the value of injured livestock in any of the following methods: ()

i. The compensation program may pay for the value of an injured animal that cannot be marketed due to injuries sustained in an eligible attack; or ()

ii. The compensation program may pay for injured livestock that are sold at a reduced price due to an eligible attack. The reimbursement will be the difference of the sale price from the fair market value; or ()

iii. For those animals not otherwise compensated, the compensation program may pay the cost of veterinary care up to seventy-five percent (75%) of the market rate as determined above for confirmed injured livestock. Invoices for care from a licensed veterinarian must be submitted with the application. Documentation supporting the requested compensation for veterinary care must be submitted in order to qualify for compensation. ()

iv. If an animal is injured due to a grizzly bear or wolf and then must be euthanized due to its injuries, an investigator will need to complete an updated Species Depredation Investigation Report to document the change in status. For those animals not otherwise compensated, the compensation program will compensate for the value of the animal upon confirmation. ()

d. Claims for depredation shall be paid on a pro rata basis in the event moneys in the fund are insufficient to pay all Confirmed claims in full until such time as moneys in the fund are depleted. ()

e. Any moneys in the fund after payment of Confirmed claims shall then be paid to those producers with Probable, then Possible claims of depredation. Claims shall be paid on a pro rata basis in the event moneys in the fund are insufficient to pay all claims in full, until such moneys in the fund are depleted. Negative/Unknown findings will not be paid through this program. ()

f. Compensation will not be automatic and the determination of compensation by the Agencies will be final. ()

02. Claims. All claims must be submitted to the Office of Species Conservation no later than December 31 for claims during that calendar year. The Office of Species Conservation will submit all eligible claims for payment to the Idaho State Department of Agriculture no later than the end of January following the year of the claim. The Idaho State Department of Agriculture will issue eligible compensation payments no later than the end of February following the year of the claims. Full or pro-rated payments will be dependent on available funding. ()

102. – 109. (RESERVED)

110. PHYSICAL FIELD EXAMINATIONS.

Physical field examinations will be conducted by a state authorized investigator. A field examination process will be performed by the investigator to determine a finding for reported suspected depredation incidents. A list of state authorized investigators and field examination protocols can be viewed on the Office of Species Conservation

website at www.species.idaho.gov.

()

111. -- 149. (RESERVED)

150. CONFLICT PREVENTION PROGRAM.

The program employs a program for funding projects that assists to prevent depredation. Protocols for determining approvals and funding can be found on the Office of Species Conservation website at www.species.idaho.gov.

()

151. – 999. (RESERVED)

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.02.05 – RULES GOVERNING STONE FRUIT GRADES
DOCKET NO. 02-0205-2501 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo](#)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224](#)(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections [22-702](#), [22-703](#), and [22-803](#), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

Zero Based Rulemaking negotiations were held on June 12 and July 2. The amendments include those consistent with a thorough review for relevance to current industry practices. The resulting rule is consistent with industry practices, and outlines Idaho specific grades and standards for stonefruits.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 18-25](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

There are no fees associated with this rule.

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:

There is no fiscal impact due to this administrative rule.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Lloyd Knight, (208)332-8615.

DATED this 7th day of January, 2026.

Lloyd B. Knight
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Phone: (208)332-8615
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THE FOLLOWING NOTICE PUBLISHED WITH THE 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 [Sections 22-702, 22-703](#), and [22-803](#), 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 15, 2025.

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:

Zero-based Rulemaking negotiated meetings were held on June 12 and July 2. The amendments include those consistent with a thorough review for relevance to current industry practices. The resulting rule is consistent with industry practices, and outlines Idaho specific grades and standards for stonefruits.

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

There are no fees associated with this rule.

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:

There is no fiscal impact due to this administrative rule.

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 May 7, 2025 Idaho Administrative Bulletin, [Volume 25-5, 21-22](#).

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:

During negotiated rulemaking, it was discovered that [7 CFR § 51.1521](#) was referenced in Subsection 140.02, but there were no Incorporated by Reference documents listed. Adding this Incorporated by Reference document will correct the oversight.

[7 CFR § 51.1521](#) governs the United States standards for grades of fresh plums and prunes. It lists the definition of what plums and prunes need to be to gain a U.S. No. 1 Grade.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lloyd Knight, (208)332-8615.

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 October 22, 2025.

DATED this 1st day of October, 2025.

THE FOLLOWING IS THE TEXT OF ZBR DOCKET NO. 02-0205-2501

02.02.05 – RULES GOVERNING STONE FRUIT GRADES

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 22-702, 22-703, and 22-803, Idaho Code.

(3-31-22)()

001. ~~TITLE AND SCOPE.~~

01. **Title.** The title of this chapter is IDAPA 02.02.05, “Rules Governing Stone Fruit Grades.”
(3-31-22)

02. ~~Scope.~~ These rules specify the general requirements for the inspection and grading of plums, prunes, sweet cherries, and apricots in the state of Idaho.
(3-31-22)()

002. – ~~119~~003. (RESERVED)

004. INCORPORATION BY REFERENCE.

The Code of Federal Regulations, 7CFR § 51.1521 (August 14, 2025), is incorporated by reference and can be viewed online at <https://www.ecfr.gov/current/title-7/subtitle-B/chapter-I/subchapter-C/part-51>. Copies of this document may be obtained from the Idaho State Department of Agriculture (ISDA), 2270 Old Penitentiary Road, Boise, Idaho 83712.
()

005. – 009. (RESERVED)

010. DEFINITIONS.

01. **Clean.** The fruit is practically free from dirt, dust, spray residue, or other foreign material.
()

02. **Damage.** Any specific defect or any equally objectionable variation of defects, that materially detracts from the appearance, or the edible or marketing quality of the fruit.
()

03. **Diameter.** The greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit.
()

04. **Mature.** The fruit has reached the stage of growth that will insure the proper completion of the ripening process.
()

05. **Permanent Defects.** Defects that are not subject to change during shipping or storage, to indicate that it occurred prior to shipment.
()

06. **Serious Damage.** Any specific defect or an equally objectionable variation of defects that seriously detracts from the appearance or the edible or marketing quality of the fruit.
()

07. **Similar Varietal Characteristics.** Fruit in any container are similar in color and shape.
()

SUBCHAPTER A – PRUNES AND PLUMS

120. IDAHO HAIL GRADE, PRUNES OR PLUMS.

This grade consists of plums or prunes of one variety or similar varietal characteristics that meet all requirements of the U.S. No. 1 grade provided that not to exceed twenty-five percent (25%) by count may show hail marks that are well healed. (3-31-22)

121. -- 129. (RESERVED)

130. PROCESSING GRADE, PRUNES OR PLUMS.

Grading is based on the current (March 29, 2004) U.S. Standards for Fresh Plums and Prunes as defined in paragraph 7 CFR § 51.1522, U.S. Combination including subsequent paragraphs related to U.S. Combination with the following exceptions: (3-31-22)

01. Minimum Size. The minimum size is one and one-third (1-1/3) inches diameter, meaning the shortest dimension measured through the center of the fruit at right angles to a line from stem to blossom end. All smaller fruit is to be graded as culls per Subsection 130.04 below. (3-31-22)

02. Infestation. Worm damage (infestation) is limited to one percent (1%) maximum. (3-31-22)

03. Fruit Sugar Content. As related to maturity the fruit sugar (soluble solids) content of eighteen (18) degrees F brix as a minimum based on samples of random sample of five (5) pounds, pits removed, using at least ten (10) whole fruit. (3-31-22)

04. Cullage Tolerance. A tolerance of five percent (5%) cullage (worm infestation limited to one percent (1%)) will be accepted without dockage, but all cullage over ten percent (10%) the TOTAL WILL BE CLAIMED, further that the processor reserves the right to reject all loads over twenty percent (20%) defects or over, or to renegotiate with the grower outside of these conditions if the grower wishes to sell on this basis. (3-31-22)

131. -- 139. (RESERVED)

140. ITALIAN PRUNES.

01. Idaho No. 1. Idaho No. 1 to be exactly as the specifications and definitions of the current U.S. No. 1 with the one (1) exception as follows: Subparagraph (a) of 7 CFR § 51.1521 effective March 29, 2004, delete the words "be fairly well colored" and insert in lieu thereof "have two-thirds (2/3) of the surface with purplish color," thus sub (a) of 7 CFR § 51.1521 will read, "Italian type prunes shall have two-thirds (2/3) of the surface with purplish color and, unless otherwise specified, shall not be less than one and one-fourth (1-1/4) inches in diameter." (See 7 CFR § 51.1525). (3-31-22)

02. Nomenclature. The nomenclature, U.S. No. 1 of 7 CFR § 51.1521 will read "Idaho No. 1." All other factors of the United States Standards for Fresh Plums and Prunes, effective March 29, 2004, remains in force and effect in defining the definitions of the rules of Idaho No. 1, as well as handbooks, administrative directives, base color minimum and applications thereof. (3-31-22)

141. -- 209. (RESERVED)

SUBCHAPTER B – SWEET CHERRIES

210. DEFINITIONS.

The definitions found in Section 210 apply to the interpretation and enforcement of Subchapter B only. (3-31-22)

01. Clean. The cherries are practically free from dirt, dust, spray residue, or other foreign material. (3-31-22)

02. Diameter. The greatest dimension measured at right angles to a line from the stem to the blossom end of the cherry. (3-31-22)

03. Fairly Well Colored. At least ninety-five (95%) percent of the surface of the cherry shows characteristic color for mature cherries of the variety. (3-31-22)

04. **Mature.** Cherries have reached the stage of growth that will insure the proper completion of the ripening process. (3-31-22)

05. **Similar Varietal Characteristics.** Cherries in any container are similar in color and shape. (3-31-22)

06. **Well Formed.** The cherry has the normal shape characteristic of the variety, except that mature well developed doubles are to be considered well formed when each of the halves is approximately evenly formed. (3-31-22)

2140. – 219. (RESERVED)

220. IDAHO NO. 1 GRADE.

01. **Idaho No. 1.** Idaho No. 1 will consist of sweet cherries that meet the following requirements: Similar varietal characteristics; mature; fairly well colored, meaning at least ninety-five (95%) percent of the surface of the cherry shows characteristic color for mature cherries of the variety; well formed, meaning the cherry has the normal shape characteristic of the variety, except that mature well developed doubles are to be considered well formed when each of the halves is approximately evenly formed; and clean; free from decay, insect larvae or holes caused by them; soft, overripe or shriveled; underdeveloped doubles and sunscald; and free from damage by any other cause. (3-31-22)()

02. **Size.** Unless otherwise specified, the minimum diameter of each cherry is not less than three-fourths (3/4) inch. The maximum diameter of the cherries in any lot may be specified in accordance with the facts. (3-31-22)

03. **Tolerances.** In order to To allow for variations incident to proper grading and handling, the following tolerances, by count, are provided as specified: (3-31-22)()

a. For Defects at Shipping Point: Idaho No. 1. Eight percent (8%) for cherries that fail to meet the requirements for this grade: PROVIDED, that included in this amount not more than four percent (4%) is allowed for defects causing serious damage, including in this latter amount not more than one-half of one percent (.50%) for cherries that are affected by decay. (3-31-22)

b. For Defects Enroute or at Destination: Idaho No. 1. Twenty-four percent (24%) for cherries in any lot that fail to meet the requirements for this grade: PROVIDED, that included in this amount not more than the following percentages are allowed for defects listed: (3-31-22)

i. Eight percent (8%) for cherries that fail to meet the requirements for this grade because of permanent defects; or (3-31-22)

ii. Six percent (6%) for cherries that are seriously damaged, including therein not more than four percent (4%) for cherries that are seriously damaged by permanent defects and not more than two percent (2%) for cherries that are affected by decay. (3-31-22)

c. For Off-Size. Five percent (5%) for cherries that fail to meet the specified minimum diameter and ten percent (10%) for cherries that fail to meet any specified maximum diameter. (3-31-22)

221. -- 229. (RESERVED)

230. APPLICATION OF TOLERANCES.

Individual samples are not to have more than double the tolerances specified, except that at least two (2) defective and two (2) off-size specimens may be permitted in any sample: PROVIDED, that the averages for the entire lot are within the tolerances specified for the grade. (3-31-22)

231. -- 239. (RESERVED)

240. SCORABLE DEFECTS.

01. Damage. *Any specific defect or any equally objectionable variation of any one (1) of these defects, any other defect, or any defects, that materially detracts from the appearance, or the edible or marketing quality of the fruit. The following specific defects are considered as damage:* (3-31-22)()

a. Cracks within the stem cavity - when deep or not well healed, or when the appearance is affected to a greater extent than that of a cherry that has a superficial well healed crack one-sixteenth (1/16) inch in width extending one-half (1/2) the greatest circumference of the stem cavity. (3-31-22)

b. Cracks outside of the stem cavity - when deep or not well healed, or when the crack has weakened the cherry to the extent that it is likely to split or break in the process of proper grading, packing and handling, or when materially affecting the appearance. (3-31-22)

c. Hail injury - when deep or not well healed, or when the aggregate area exceeds the area of a circle three-sixteenths (3/16) inch in diameter. (3-31-22)

d. Insects - when scale or more than one (1) scale mark is present, or when the appearance is materially affected by any insect. (3-31-22)

e. Limb rubs - when affecting the appearance of the cherry to a greater extent than the amount of scarring permitted. (3-31-22)

f. Pulled stems - when the skin or flesh is torn, or when the cherry is leaking. (3-31-22)

g. Russetting - when affecting the appearance of the cherry to a greater extent than the amount of scarring permitted. (3-31-22)

h. Scars - when excessively deep or rough or dark colored and the aggregate area exceeds the area of a circle three-sixteenths (3/16) inch in diameter, or when smooth or fairly smooth, light colored and superficial and the aggregate area exceeds the area of a circle one-fourth (1/4) inch in diameter. (3-31-22)

i. Skin breaks - when not well healed or when the appearance of the cherry is materially affected. (3-31-22)

j. Sutures - when excessively deep or when effecting the shape of the cherry to the extent that it is not well formed. (3-31-22)

02. Serious Damage. *Any specific defect or an equally objectionable variation of any one (1) of these defects, any other defect, or any combination of defects that seriously detracts from the appearance or the edible or marketing quality of the fruit. The following specific defects are considered as serious damage:* (3-31-22)()

a. Decay. (3-31-22)

b. Insect larvae or holes caused by them. (3-31-22)

c. Skin breaks that are not well healed. (3-31-22)

d. Cracks that are not well healed. (3-31-22)

e. Pulled stems with skin or flesh of cherry torn or that causes the cherry to leak. (3-31-22)

241. --249. (RESERVED)

250. PERMANENT DEFECTS.

Defects that are not subject to change during shipping or storage, including, but not limited to, factors of shape,

searring, skin breaks, injury caused by hail or insects, and mechanical injury that is so located as to indicate that it occurred prior to shipment. (3-31-22)

251. -- 259. (RESERVED)

260. CONDITION DEFECTS.

Defects that may develop or change during shipment or storage including, but not limited to, decayed or soft cherries and such factors as pitting, shriveling, sunken areas, brown discoloration and bruising that is so located as to indicate that it occurred after packing. (3-31-22)

261. -- 31920. (RESERVED)

SUBCHAPTER C – APRICOTS

320. DEFINITIONS.

The definitions found in Section 320 apply to the interpretation and enforcement of Subchapter C only. (3-31-22)

01. Diameter. The greatest diameter, measured through the center of the apricot, at right angles to a line running from the stem to the blossom end. (3-31-22)

02. Mature. Having reached the state of maturity that will ensure a proper completion of the ripening process. (3-31-22)

03. Well Formed. Having the characteristic shape of the variety. (3-31-22)

321. GRADES.

01. Idaho No. 1. Consists of apricots of one variety that are mature but not soft, overripe or shriveled and that are well formed, free from decay, insect holes, and damage caused by skin breaks, cuts, limb rubs, russetting, growth cracks, dirt, hail, bruises, scale or other means. (3-31-22)

02. Idaho No. 2. Consists of apricots of one variety that are mature but not soft, overripe or shriveled, and that are free from decay, insect holes and serious damage caused by skin breaks, limb rubs, russetting, growth cracks, hail, bruises or other means. (3-31-22)

03. Idaho Combination. Consists of a combination of Idaho No. 1 and Idaho No. 2. When such a combination is packed, at least fifty percent (50%) of the apricots in any container will meet the requirements of the Idaho No. 1. (See Section 330). (3-31-22)

322. -- 329. (RESERVED)

330. TOLERANCES.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified: (3-31-22)()

01. Defects. (3-31-22)

a. Idaho No. 1. A total of ten percent (10%) for apricots in any lot that fails to meet the requirements for the grade: Provided, that not more than one-half (1/2) of this tolerance, or five percent (5%), is allowed for defects causing serious damage, including therein not more than one-fifth (1/5) of this amount or one percent (1%) is allowed for apricots that are affected by decay. An additional ten percent (10%) by count of the apricots may be damaged by bruise. (3-31-22)

b. Idaho No. 2. A total of ten percent (10%) for apricots in any lot that fail to meet the requirements for the grade: Provided, therein that not more than one percent (1%) be allowed for apricots that are affected by decay. (3-31-22)

c. Idaho Combination. A total of ten percent (10%) for apricots in any lot that fail to meet the requirements for the grade: Provided, therein that not more than one percent (1%) will be allowed for apricots that are affected by decay. (3-31-22)

02. Restrictions. When applying the foregoing tolerances to the combination grade, no part of any tolerance can be used to reduce the percentage of Idaho No. 1 apricots required in the combination, but individual containers may have not more than ten percent (10%) less than the percentage of Idaho No. 1 required, provided that the entire lot average is within the percentage specified. (3-31-22)

03. Samples. Individual samples will not have more than one and one-half (1 1/2) times any tolerance specified; provided, that the averages for the entire lot are within the tolerances specified for the grade. (3-31-22)

331. – 339. (RESERVED)

340. MARKING REQUIREMENTS.

01. Containers. When apricots are packed in containers, such containers will be stamped or marked thereon the variety, the net contents, and packer's name and address. (3-31-22)

02. Size. The minimum size may be specified in terms of diameter or numerical count. When a minimum diameter is marked on the container, not more than ten percent (10%) by count is allowed for apricots below the marked size. (3-31-22)

341. – 349. (RESERVED)

350. SCORABLE DEFECTS.

01. Damage. *The apricot is injured to an extent readily apparent in the process of proper grading and handling. The following specific defects will not be considered as damage.* (3-31-22)()

- a. Hail Marks: Well healed and shallow - allow one-eighth (1/8) inch in diameter. (3-31-22)
- i. When skin has not been broken: (3-31-22)
- ii. Shallow - allow three-eighths (3/8) inch in diameter. (3-31-22)
- iii. Not shallow - allow one-fourth (1/4) inch in diameter. (3-31-22)
- b. Growth Cracks: (3-31-22)
- i. Well healed - allow three-eighth (3/8) inch in length. (3-31-22)
- ii. Riland variety - allow one-half (1/2) inch in length. (3-31-22)
- c. Limb Rubs: Smooth and shallow - allow one-fourth (1/4) inch in diameter. (3-31-22)
- d. Russetting: Allow one-fourth (1/4) surface area in aggregate. (3-31-22)
- e. Skin Breaks: (3-31-22)
- i. Punctures - allow three-sixteenths (3/16) inch in diameter. (3-31-22)
- ii. Stem pulls - allow three-eighths (3/8) inch in diameter. (3-31-22)
- iii. Riland variety - allow one-half (1/2) inch in diameter. (3-31-22)
- f. Bruises: Allow five percent (5%) of the surface area. (3-31-22)

g. Scale: Allow two (2) scale marks. (3-31-22)

h. Dirt: Allow when not readily apparent. (3-31-22)

02. Serious Damage. *Immaturity or any deformity, or injury that causes breaking of the skin, or that seriously affects the appearance. The following specific defects will not be considered as serious damage.* (3-31-22)()

a. Bruises: Allow ten percent (10%) of the surface area. (3-31-22)

b. Growth cracks: (3-31-22)

i. Well healed - allow one-half (1/2) inch in length. (3-31-22)

ii. Riland variety - allow five-eighths (5/8) inch in length. (3-31-22)

c. Hail Marks: (3-31-22)

i. Well healed - allow three-eighths (3/8) inch in aggregate. (3-31-22)

ii. When skin has not been broken - allow one-half (1/2) inch in aggregate. (3-31-22)

d. Skin Breaks: (3-31-22)

i. Stem pulls - allow one-half (1/2) inch in diameter. (3-31-22)

ii. Other skin breaks - allow three-eighths (3/8) inch diameter. (3-31-22)

351. – 999. (RESERVED)

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.02.07 – RULES GOVERNING BULK PERMITS AND RETAIL SALE OF POTATOES
DOCKET NO. 02-0207-2501 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo and Incorporation By Reference Synopsis \(IBRS\)](#)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224](#)(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections [22-901](#), [22-911](#), and [22-2006](#), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

Zero Based Rulemaking negotiations were held on June 12 and July 2. These rules govern the application for a permit to ship bulk potatoes, permit fees, and marketing order requirements and specify the general requirements for the inspection, grading, marking, and retail sales of potatoes in the state of Idaho.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 26-29](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

There were no changes to fees previously authorized in this rule chapter.

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:

There is no fiscal impact as a result of this rulemaking.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Lloyd Knight, (208)332-8315.

DATED this 7th day of January, 2026.

Lloyd B. Knight
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, ID 83707
Phone: (208)332-8615
Email: Lloyd.knight@isda.idaho.gov

THE FOLLOWING NOTICE PUBLISHED WITH THE 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 [Sections 22-901,22-911](#), and [22-2006](#), 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 15, 2025.

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:

Zero-based Rulemaking negotiated meetings were held on June 12 and July 2. These rules govern the application for a permit to ship bulk potatoes, permit fees, and marketing order requirements and specify the general requirements for the inspection, grading, marking, and retail sales of potatoes in the state of Idaho.

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

There were no changes to fees previously authorized in this rule chapter.

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:

There is no fiscal impact as a result of this rulemaking.

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 May 7, 2025 Idaho Administrative Bulletin, [Volume 25-5, p 23-24](#).

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:

[Federal Marketing Order Number 945](#), as published on September 13, 2021, is incorporated by reference. This is a necessary incorporation as the purpose of the rule is to assist in implementing the marketing order for potatoes in Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lloyd Knight, (208)332-8615.

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 October 22, 2025.

DATED this 1st day of October, 2025.

THE FOLLOWING IS THE TEXT OF ZBR DOCKET NO. 02-0207-2501

02.02.07 – RULES GOVERNING BULK PERMITS AND RETAIL SALE OF POTATOES

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 22-901, 22-911, and 22-2006, Idaho Code. (3-15-22)()

001. ~~TITLE AND SCOPE.~~

01. ~~Title.~~ The title of this chapter is IDAPA 02.02.07, “Rules Governing Bulk Permits and Retail Sale of Potatoes.” (3-15-22)

02. ~~Scope.~~ These rules govern the application for a permit to ship bulk potatoes, permit fees, and marketing order requirements and specify the general requirements for the inspection, grading, marking and retail sales of potatoes in the state of Idaho. (3-15-22)()

002. -- 003. (RESERVED)

004. INCORPORATION BY REFERENCE.

The following document is incorporated by reference into this chapter: (3-15-22)

01. ~~Federal Marketing Order Number 945 - U.S.D.A. Handling Regulations – October 3, 2018~~
~~September 13, 2021, Until Revised.~~ Copies of this document may be obtained from the Idaho State Department of Agriculture <https://www.ecfr.gov/current/title-7 subtitle-B/ chapter-IX/ part-945>. (3-15-22)()

005. -- 119. (RESERVED)

SUBCHAPTER A – BULK PERMITS

120. MARKETING ORDER.

Permits for shipment of processing potatoes require a marketing order certificate of privilege number, issued by the marketing order manager, if leaving the marketing order area. Inspection of bulk shipments for processing is not required. Bulk shipments for repacking or fresh sale must be graded and meet all applicable minimum marketing order requirements. Each shipment requires a federal-state inspection certificate, certifying minimum standards and include the percentage of u.s. no. 1 quality. ()

121. REQUEST FOR PERMIT APPLICATION.

Request for permits must be made forty-eight (48) hours prior to shipment, excluding weekends and State Holidays. Any violation or improper use of permits will invalidate the permit and may be grounds for denial of future permits. Application for permit is to be on a form furnished by the department. Acknowledgment of receipt of processing potatoes, when leaving the Federal Marketing Order area, shall be accomplished immediately by the processor upon receipt of the shipment and forwarded to the issuing office. A copy of each permit issued is to be forwarded to the Idaho Potato Commission by the issuing officer. ()

1202. PERMIT FEES.

The first handler or shipper shall apply through the nearest District Inspection Office for a permit to ship bulk potatoes. The permittee shall pay the potato advertising tax at combined grower-shipper rates for either fresh or processing potatoes, and inspection fees, if required, within thirty (30) days of shipment. Failure to pay either fee within the prescribed time is grounds for denial of future permits, so long as the fees remain outstanding. (3-15-22)

121. APPLICATION FORM.

Application for permit is to be on a form furnished by the department. Acknowledgment of receipt of processing potatoes, when leaving the Federal Marketing Order area, shall be accomplished immediately by the processor upon receipt of the shipment and forwarded to the issuing office. A copy of each permit issued is to be forwarded to the Idaho Potato Commission by the issuing office. (3-15-22)

122. MARKETING ORDER.

Permits for shipment of processing potatoes require a Marketing Order Certificate of Privilege number, issued by the Marketing Order Manager, if leaving the Marketing Order area. Inspection of bulk shipments for processing is not required. Bulk shipments for repacking or fresh sale must be graded and meet all applicable minimum Marketing Order requirements. Each shipment requires a Federal-State inspection certificate, certifying minimum standards and include the percentage of U.S. No. 1 quality. (3-15-22)

123. REQUEST FOR PERMIT.

Request for permits must be made forty-eight (48) hours prior to shipment, excluding weekends and Legal Holidays. Any violation or improper use of permits will invalidate the permit and may be grounds for denial of future permits. (3-15-22)

1243. -- 219. (RESERVED)

SUBCHAPTER B — RETAIL SALES

220. INSPECTIONS, RESTRICTIONS, AND IDENTIFICATION REQUIRED.

All potatoes packed for resale to retail outlets in Idaho shall be inspected as outlined in Subsection 220.02 and meet the requirements of Federal Marketing Order number 945-USDA and the following conditions outlined below: (3-15-22)()

01. Certification and Markings. Each shipment packed for resale to retail outlets in Idaho is to be accompanied by a valid inspection certificate, numbered note sheet or be marked with a positive lot identification number (PLI) number. (3-15-22)()

02. Inspections. For other than Idaho or Oregon, inspections may be performed by any person or persons authorized under the USDA AMS Specialty Crop Inspection Program as a federal or state inspector to inspect potatoes. (3-15-22)()

03. Restrictions. All potatoes packed for resale to retail outlets in Idaho under the provision of this rule are inspected as outlined in Subsection 220.02 and found free from: (3-15-22)()

- a. Potato Tuberworm (*Phthorimaea operculella* (Zeller)). (3-15-22)
- b. Potato Wart (*Synchytrium endobioticum*). (3-15-22)

221. LOTS TAGGED NOT FOR SALE -- REMOVAL THEREOF.

Retail outlets may be periodically checked by the Idaho State Department of Agriculture. Lots found failing to grade as marked or otherwise found out of compliance with the provisions of this rule will be tagged "Not For Sale" until removed from display and regraded, destroyed or remarked to a lower grade if feasible. (3-15-22)

222. COMPLIANCE OR NON-COMPLIANCE CERTIFICATE.

Each inspection at the retail outlet will be acknowledged by an inspection report showing compliance or non-compliance. (3-15-22)

223. SECOND NOTICE ACTION -- NON-COMPLIANCE.

A second inspection showing evidence of non-compliance in any calendar year will constitute sufficient grounds to proceed with prosecution in accordance with Sections 22-2020 or 22-912, Idaho Code. (3-15-22)()

224. BULK LOTS LABELED NOT FOR SALE -- REMOVAL THEREOF.

Bulk potatoes failing to meet the grade shown or otherwise found out of compliance with the provisions of this rule are labeled "Not For Sale" until removed. They may be regraded, destroyed or re-marked to a lower grade if feasible. (3-15-22)

225. RESPONSIBILITY OF PERMANENT AND CONDITION DEFECTS.

~~Defects of condition are those of retailers' responsibility. Permanent grade defects are those of the original packer~~
~~Retailers are responsible for condition defects. Original packers are responsible for permanent defects.~~
(3-15-22)()

226. RESTRICTING STANDARDS TO TABLESTOCK GRADES.

Usable grades or standards are the entire spectrum of U.S. and Idaho Grades excluding processing grades. (3-15-22)

227. -- 999. (RESERVED)

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.02.14 – RULES FOR WEIGHTS AND MEASURES
DOCKET NO. 02-0214-2501 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo and Incorporation By Reference Synopsis \(IBRS\)](#)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224](#)(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections [71-111](#), [71-121](#), [71-232](#), [71-233](#), [71-236](#), [71-241](#), and [71-408](#), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

Zero Based Rulemaking negotiations were held on June 12 and July 2. After review, significant deletions are recommended to rely on those national standards incorporated by reference as it is not necessary to keep language separately defined in the administrative rule as well as the incorporated standard. No changes were made to the fees already included in the rule.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 30-55](#).

FEES SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

There are no changes to fees included in this rule.

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:

There is no fiscal impact due to this administrative rule.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Lloyd Knight, (208)332-8615.

DATED this 7th day of January, 2026.

Lloyd B. Knight
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, ID 83707
Phone: (208)332-8615
Email: Lloyd.knight@isda.idaho.gov

THE FOLLOWING NOTICE PUBLISHED WITH THE 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 [Sections 71-111, 71-121, 71-232, 71-233, 71-236, 71-241](#), and [71-408](#), 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 15, 2025.

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:

Zero-based Rulemaking negotiated meetings were held on June 12 and July 2. After review, significant deletions are recommended to rely on those national standards incorporated by reference as it is not necessary to keep language separately defined in the administrative rule as well as the incorporated standard. No changes were made to the fees already included in the rule.

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

There are no changes to fees included in this rule.

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:

There is no fiscal impact due to this administrative rule.

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 May 7, 2025 Idaho Administrative Bulletin, [Volume 25-5, p 27-28](#).

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:

Handbook 130 and 133 are incorporated by reference as this follows the national standard for all weight and measuring devices.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lloyd Knight, (208)332-8615.

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 October 22, 2025.

DATED this 1st day of October, 2025.

THE FOLLOWING IS THE TEXT OF ZBR DOCKET NO. 02-0214-2501

02.02.14 – RULES FOR WEIGHTS AND MEASURES

000. LEGAL AUTHORITY.

~~This chapter is adopted under the legal authority of~~ Sections 71-111, 71-121, 71-232, 71-233, 71-236, 71-241, and 71-408, Idaho Code. ~~(3-15-22)()~~

001. ~~TITLE AND SCOPE.~~

01. ~~Title.~~ The title of this chapter is “Rules for Weights and Measures.” ~~(3-15-22)~~

02. ~~Scope.~~ This chapter has the following scope: to govern the checking, testing, and examination of weighing and measuring devices, packages and labels; to govern consumer and non-consumer packaging and labeling; to govern the registration of servicemen and service agencies for commercial weighing and measuring devices; to govern the licensing of weighmasters, and to govern the licensing of commercially used weighing and measuring devices and to set maximum annual license fees for weighing and measuring devices. ~~(3-15-22)()~~

002. – 003. (RESERVED)

004. INCORPORATION BY REFERENCE.

01. Required Reference Materials. The 2024~~5~~ edition of Handbook No. 44130 of the National Institute of Standards and Technology, United States Department of Commerce, “Uniform Laws and Regulations in the Areas of Legal Metrology and Fuel Quality Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices,” (Published December, 2024) hereby incorporated by reference, is the specifications, tolerances and other technical requirements for commercial weighing and measuring devices, unless otherwise stated in these rules. ~~(7-1-25)()~~

02. Required Reference Materials for Checking Prepackaged Commodities. The 2020~~5~~ edition of Handbook No. 133 of the National Institute of Standards and Technology, United States Department of Commerce, “Checking the Net Contents of Packaged Goods,” (Published January 10, 2025) hereby incorporated by reference, is the authority in checking packaged commodities, unless otherwise stated in these rules. ~~(3-15-22)()~~

03. Local Availability. Copies of the incorporated documents are on file with the Idaho State Department of Agriculture, 2216 Kellogg Lane, Boise, Idaho 83712. Copies of NIST documents may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies are available for downloading at <https://www.nist.gov/publications/specifications-tolerances-and-other-technical-requirements-weighing-and-measuring-15>. Copies of ASTM specifications are on file with the Idaho State Department of Agriculture or may be purchased from <http://www.astm.org>, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA, 19428. ~~(7-1-25)~~

005. DIESEL, BIODIESEL, AND GASOLINE STANDARDS.

Per Section 37-2506, Idaho Code, the latest specifications adopted by the American Society for Testing and Materials is the required standard for all diesel, biodiesel, and gasoline fuels. The standards can be accessed at <https://www.astm.org/products-services/standards-and-publications/standards/petroleum-standards.html>. ~~(7-1-25)~~

006. -- 00911. (RESERVED)

010. DEFINITIONS.

In addition to the definitions set forth in Sections 71-108 and 71-401, Idaho Code, the following definitions apply to this rule: (3-15-22)

01. Alcohol. A volatile flammable liquid having the general formula $C_nH_{(2n+1)}OH$ used or sold for the purpose of blending or mixing with gasoline for use in motor vehicles, and commonly or commercially known or sold as an alcohol, including ethanol and methanol. (3-15-22)

02. Biodiesel. A fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100. (3-15-22)

03. Biodiesel Blends. A fuel comprised of a blend of biodiesel fuel with petroleum-based diesel fuel, designated BXX. In the abbreviation BXX, the XX represents the volume percentage of biodiesel fuel in the blend. (3-15-22)

04. Certificate of Conformance. A document issued by the National Institute of Standards and Technology based on testing in participating laboratories, said document constituting evidence of conformance of a type with the requirements of National Institute of Standards and Technology Handbooks 44, 105-1, 105-2, 105-3. (3-15-22)

05. Compressed Natural Gas (CNG). Natural Gas which has been compressed and dispensed into fuel storage containers and is suitable for use as an engine fuel. (3-15-22)

06. Commercial Weighing and Measuring Device. Any weight or measure or weighing or measuring device commercially used or employed in establishing the size, quantity, extent, area or measurement of quantities, things, product, or articles for distribution or consumption, purchased, offered or submitted for sale, hire, or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure, and must also include any accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed or installed that its operation affects, or may affect, the accuracy of the device. (3-15-22)

07. Co-Solvent. An alcohol or any other chemical with higher molecular weight than methanol or ethanol which is blended with either or both to prevent phase separation in gasoline. (3-15-22)

08. Diesel Gallon Equivalent (DGE). Equivalent to six point three hundred eighty-four thousandths (6.384) pounds of compressed natural gas or six point fifty-nine thousandths (6.059) pounds of liquefied natural gas. (3-15-22)

09. Ethanol. Ethyl alcohol, a flammable liquid having the formula C_2H_5OH used or sold for the purpose of blending or mixing with gasoline for use in motor vehicles, and commonly or commercially known or sold as ethanol or ethyl alcohol. (3-15-22)

10. Gasoline. Any fuel sold for use in motor vehicles and commonly or commercially known or sold as gasoline whether leaded or unleaded. (3-15-22)

11. Gasoline Gallon Equivalent (GGE). Equivalent to five point six hundred sixty thousandths (5.660) pounds (two point five hundred sixty-seven thousandths (2.567) kilograms) of compressed natural gas. (3-15-22)

12. Gasoline Liter Equivalent (GLE). Equivalent to one point four hundred ninety-five thousandths (1.495) pounds (zero point six hundred seventy-eight thousandths (0.678) kilograms) of compressed natural gas. (3-15-22)

13. Gasoline Oxygenate Blend. For labeling purposes, any spark-ignition motor fuel containing one percent (1%) or more by volume of oxygenates or combination of oxygenates, such as but not restricted to ethanol, methanol, or methyl tertiary butyl ether. (3-15-22)

14. Label. Any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on, or appearing upon or adjacent to a consumer commodity or a package containing

any consumer commodity, for purposes of branding, identifying, or giving any information with respect to the commodity or to the contents of the package, except an inspector's tag or other non-promotional matter affixed to or appearing upon a consumer commodity will not be deemed to be a label requiring the repetition of label information required by this rule. (3-15-22)

15. Liquefied Natural Gas (LNG). Natural gas that has been liquefied at minus one hundred sixty-two degrees Celsius (-162 °C) (minus two hundred sixty degrees Fahrenheit (-260 °F)) and stored in insulated cryogenic tanks for use as an engine fuel. (3-15-22)

16. Methanol. Methyl alcohol, a flammable liquid having the formula CH₃OH used or sold for the purpose of blending or mixing with gasoline for use in motor vehicles, and commonly or commercially known or sold as methanol or methyl alcohol. (3-15-22)

17. Motor Vehicles. Include all vehicles, vessels, watercraft, engines, machines, or mechanical contrivances that are propelled by internal combustion engines or motors. (3-15-22)

18. Multi-Unit Package. A package containing two (2) or more individual packages of the same commodity, in the same quantity, with the individual packages intended to be sold as part of the multi-unit package but capable of being individually sold in full compliance with all requirements of this rule. (3-15-22)

19. National Type Evaluation Program. A program of cooperation between the National Institute of Standards and Technology, the National Conference on Weights and Measures, the states, and the private sector for determining, on a uniform basis, conformance of a type with the relevant provisions of the National Institute of Standards and Technology Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," National Institute of Standards and Technology Handbook 105-1, "Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, Specifications and Tolerances for Field Standard Weights (NIST Class F)," National Institute of Standards and Technology Handbook 105-2, "Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, Specifications and Tolerances for Field Standard Measuring Flask," or National Institute of Standards and Technology Handbook 105-3, "Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, Specifications and Tolerances for Graduated Neck Type Volumetric Field Standards." (3-15-22)

20. Package. Any commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale. (3-15-22)

21. Participating Laboratory. Any State Measurement Laboratory that has been certified by the National Institute of Standards and Technology, in accordance with its program for the Certification of Capability of State Measurement Laboratories, to conduct a type of evaluation under the National Type Evaluation Program. (3-15-22)

22. Principal Display Panel or Panels. That part, or those parts, of a label that is, or are, so designed as to most likely be displayed, presented, shown, or examined under normal and customary conditions of display and purchase. Wherever a principal display panel appears more than once on a package, all requirements pertaining to the "principal display panel" shall pertain to all such "principal display panels." (3-15-22)

23. Random Package. A package that is one (1) of a lot, shipment, or delivery of packages of the same consumer commodity with varying weights; that is, packages of the same consumer commodity with no fixed pattern of weight. (3-15-22)

24. Registered Service Agency. Any agency, firm, company or corporation which, for hire, award, commission or any other payment of any kind, installs, services, repairs or reconditions a commercial weighing or measuring device, and which voluntarily registers itself as such with the Bureau of Weights and Measures. Under agency registration, identification of individual servicemen is required. (3-15-22)

25. Registered Serviceman. Any individual who for hire, award, commission or any other payment of any kind, installs, services, repairs or reconditions a commercial weighing or measuring device, and who voluntarily registers himself as such with the Bureau of Weights and Measures. (3-15-22)

26. Retail Dealer. Any person who owns, operates, controls, or supervises an establishment at which gasoline is sold or offered for sale to the public. (3-15-22)

27. Sale from Bulk. The sale of commodities when the quantity is determined at the time of sale. (3-15-22)

28. Spark-Ignition Motor Fuel. Gasoline and its blends with oxygenates such as co-solvent and ethers (also "spark-ignition engine fuel"). (3-15-22)

29. Type. A model or models of a particular measurement system, instrument, element or a field standard that positively identifies the design. A specific type may vary in its measurement ranges, size, performance, and operating characteristics as specified in the Certificate of Conformance. (3-15-22)

30. Type Evaluation. The testing, examination, and evaluation of a type by a participating laboratory under the National Type Evaluation Program. (3-15-22)

31. Wholesale Dealer. Any person engaged in the sale of gasoline to others who the seller knows or has reasonable cause to believe intends to resell the gasoline in the same or an altered form to another. (3-15-22)

011. ABBREVIATIONS.

01. ISDA. Idaho State Department of Agriculture. (3-15-22)

02. NIST. National Institute of Standards and Technology. (3-15-22)

012. LICENSE REQUIRED FOR COMMERCIALLY-USED WEIGHING OR MEASURING INSTRUMENT OR DEVICE.

Weighing or measuring instruments or devices used for commercial purposes in the State of Idaho must be licensed annually. (3-15-22)

01. Annual License. No person may operate or use for commercial purposes within the state any weighing or measuring instrument or device specified in Section 71-113, Idaho Code, that is not licensed in accordance with the requirements of this rule. (3-15-22)()

02. Specific Device. Any license issued applies only to the instrument or device identified by Device Code, as listed in TABLE 1-A, and rated capacity on the application for license. The license is applicable to an equivalent replacement for the original instrument or device, within the annual license period. (3-15-22)

013. LICENSE APPLICATION.

License application must be submitted on forms provided by ISDA Idaho State Department of Agriculture (ISDA) and accompanied with the proper fee as established in this rule. The capacity of an instrument or device will be determined by the manufacturer's rated capacity. (3-15-22)()

014. ANNUAL LICENSE PERIOD.

Annual license applications and fees are due February 1 of each year and all licenses expire on January 31 of the following year. (3-15-22)

015. LICENSE RENEWALS.

Any device or instrument will be considered rejected if the license for that device or instrument is not renewed thirty (30) days after expiration. A person failing to pay the annual license fee after forty-five (45) days following the expiration date, forfeits the right to use the instrument or device for commercial purposes, and the instrument or device may be taken out of service by the ISDA Bureau of Weights and Measures (Bureau) until the license fee is paid. (3-15-22)()

016. MAXIMUM AND MINIMUM LICENSE FEE SCHEDULE FOR COMMERCIALLY-USED WEIGHING AND MEASURING INSTRUMENTS AND DEVICES.

The annual license fee for instruments and devices is based on manufacturer's rated capacity. The minimum annual license fee for commercially used instrument and device types is twelve dollars (\$12) when licensing a single device.

TABLE 1-A		
DEVICE CODE	KEY	Fee (Not to Exceed)
A	Scales \leq 50 lb	\$6.00
B	Scales $> 50 \leq 1,159$ lb	\$12.00
C	Scales $\geq 1,160 \leq 7,499$ lb	\$24.00
D	Scales $\geq 7,500 \leq 59,999$ lb	\$100.00
E & F	Scales 60,000 lbs or more	\$100.00
G	Motor-fuel device < 20 gpm	\$6.00
H	Meter $\geq 30 < 150$ gpm	\$33.00
I	Meter ≥ 150 gpm	\$40.00
J	LPG dispenser	\$40.00
K & L	LPG temperature compensated	\$60.00
M	Cordage or Fabric meters	\$5.00
N	Natural gas motor fuel devices	\$60.00
O	Bulk oil meter	\$35.00
P	Meter $> 20 \leq 30$ gpm or fuel additive metering devices	\$10.00

(3-15-22)

017. VOLUNTARY INSPECTION OF WEIGHING AND MEASURING INSTRUMENTS AND DEVICES, FEES.

In addition to commercially used weighing and measuring instruments and devices, ~~ISDA~~ the Bureau ~~of Weights and Measures~~, at the request of an owner or user thereof, may inspect and test non-commercial weighing or measuring instruments or devices to ascertain if they are correct. Any entity making such special request must pay the Bureau ~~of Weights and Measures~~ the cost of the inspection as listed in Section 100. (3-15-22)()

018. LICENSE DISPLAYED.

Any owner or user of commercially used weighing and measuring instruments and devices must display the current annual license for those instruments and devices in a prominent place at the same physical location where those devices are installed or used. In the case of devices installed on vehicles, the license must be carried in the vehicle on which the device is installed. (3-15-22)

019. -- 099. (RESERVED)

100. CHARGES FOR SPECIAL REQUEST TESTING OR EXAMINATION.

01. Mileage Charges. (3-15-22)

- a.** ~~Fifty-five cents (\$.55) a mile~~ Current state mileage rate for car travel. (3-15-22)()
- b.** Seventy-five cents (\$.75) a mile for pickup and prover. (3-15-22)

c. Two dollars and fifty cents (\$2.50) a mile for heavy capacity scale trucks. (3-15-22)

02. Fee Collection. Such fees will be collected from place where working and back. Where more than one (1) request is to be handled on same trip, the mileage will be prorated between the parties requesting the service. (3-15-22)

03. Personnel Charges. There will also be an hourly personnel charge of thirty dollars (\$30) per hour per person for special request testing, chargeable during the time of the actual testing and examination of devices and for driving time. (3-15-22)

101.—149. (RESERVED)

150. PACKAGING AND LABELING RULES.

The application of this rule applies to packages and to commodities in package form, but does not apply to: (3-15-22)

01. Inner Wrappings. Inner wrappings not intended to be individually sold to the customer. (3-15-22)

02. Shipping Containers. Shipping containers or wrapping used solely for the transportation of any commodities in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors, but in no event does this exclusion apply to packages of consumer or non-consumer commodities, as defined herein. (3-15-22)

03. Auxiliary Containers. Auxiliary containers or outer wrappings used to deliver packages of such commodities to retail customers if such containers or wrappings bear no printed matter pertaining to any particular commodity. (3-15-22)

04. Retail Display Containers. Containers used for retail tray pack displays when the container itself is not intended to be sold (e.g., the tray that is used to display individual envelopes of seasonings, gravies, etc., and the tray itself is not intended to be sold). (3-15-22)

05. Unpackaged Commodities. Commodities put up in variable weights and sizes for sale intact and intended to be either weighed or measured at the time of sale, where no package quantities are represented, and where the method of sale is clearly indicated in close proximity to the quantity being sold. (3-15-22)

06. Open Carriers. Open carriers and transparent wrappers or carriers for containers when the wrappers or carriers do not bear any written, printed, or graphic matter obscuring the label information required by this rule. (3-15-22)

151.—169. (RESERVED)

170. IDENTITY.

01. Declaration of Identity—Consumer Package. A declaration of identity on a consumer package must appear on the principal display panel, and positively identify the commodity in the package by its common or usual name, description, generic term, or the like. (3-15-22)

02. Parallel Identity Declaration—Consumer Package. A declaration of identity on a consumer package must appear generally parallel to the base on which the package rests as it is designed to be displayed. (3-15-22)

03. Declaration of Identity—Non-Consumer Package. A declaration of identity on a non-consumer package must appear on the outside of a package and positively identify the commodity in the package by its common or usual name, description, generic term, or the like. (3-15-22)

04. Declaration of Responsibility—Consumer and Non-Consumer Packages. (3-15-22)

a. Any package kept, offered, or exposed for sale, or sold, at any place other than on the premises where packed must specify conspicuously on the label of the package the name and address of the manufacturer, packer, or distributor. The name must be the actual corporate name, or, when not incorporated, the name under which the business is conducted. The address must include street address, city, state, and zip code; however, the street address may be omitted if this is shown in a current city directory or telephone directory. The requirement for inclusion of the zip code must apply only to labels that have been developed or revised after July 1, 1970. (3-15-22)

b. If a person manufactures, packs, or distributes a commodity at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where the commodity was manufactured or packed or is to be distributed, unless such statement would be misleading. Where the commodity is not manufactured by the person whose name appears on the label, the name must be qualified by a phrase that reveals the connection such person has with such commodity, such as "Manufactured for and packed by," "Distributed by," or any other wording of similar import that expresses the facts. (3-15-22)

171. DECLARATION OF QUANTITY—CONSUMER PACKAGES.

01. Largest Whole Unit. Where this rule requires that the quantity declaration be in terms of the largest whole unit, the declaration must, with respect to a particular package, be in terms of the largest whole unit of weight or measure, with any remainder expressed in: (3-15-22)

a. Common or decimal fractions of such largest whole unit; or (3-15-22)

b. The next smaller whole unit, or units, with any further remainder in terms of common or decimal fractions of the smallest unit present in the quantity declaration. (3-15-22)

02. Net Quantity. A declaration of net quantity of the commodity in the package, exclusive of wrappers and any other material packed with such commodity, must appear on the principal display panel of a consumer package and, unless otherwise specified in this rule (see Subsections 171.06 through 171.08) must be in terms of the largest whole unit. (3-15-22)

03. Use of "Net Weight." The term "net weight" must be used in conjunction with the declaration of quantity in terms of weight; the term may either precede or follow the declaration of weight. (3-15-22)

04. Lines of Print or Type. A declaration of quantity may appear on one (1) or more lines of print or type. (3-15-22)

05. Terms—Weight, Liquid Measures, or Count. The declaration of the quantity of a particular commodity must be expressed in terms of liquid measure if the commodity is liquid, or in terms of weight if the commodity is solid, semisolid, viscous, or a mixture of solid and liquid, or in terms of numerical count. However, if there exists a firmly established general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity of a particular commodity, such declaration of quantity may be expressed in its traditional terms, if such traditional declaration gives accurate and adequate information as to the quantity of the commodity. (3-15-22)

06. Combination Declaration. (3-15-22)

a. A declaration of quantity in terms of weight must be combined with appropriate declarations of the measure, count, and size of the individual units unless a declaration of weight alone is fully informative. (3-15-22)

b. A declaration of quantity in terms of measure must be combined with appropriate declarations of the weight, count, and size of the individual units unless a declaration of measure alone is fully informative. (3-15-22)

e. A declaration of quantity in terms of count must be combined with appropriate declarations of the weight, measure, and size of the individual units unless a declaration of count alone is fully informative. (3-15-22)

07. Units—Weight, Measure. A declaration of quantity must be as follows, however provided that in

the case of a commodity packed for export shipment, the declaration of quantity may be in terms of the metric system of weight or measure. (3-15-22)

a. In units of weight will be in terms of the avoirdupois pound or ounce; (3-15-22)

b. In units of liquid measure will be in terms of the United States gallon of two hundred thirty-one (231) cubic inches or liquid quart, liquid pint, or fluid ounce subdivisions of the gallon, and shall express the volume at sixty-eight degrees (68 Degrees F), twenty degrees (20 Degrees C), except in the case of petroleum products, for which the declaration must express the volume at sixty degrees (60 Degrees F), fifteen point six degrees (15.6 Degrees C), and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration must express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration must express the volume at forty degrees (40 Degrees F), four degrees (4 Degrees C); (3-15-22)

c. In units of linear measure must be in terms of the yard, foot, or inch; (3-15-22)

d. In units of area measure, must be in terms of the square yard, square foot, or square inch; (3-15-22)

e. In units of dry measure must be in terms of the United States bushel of two thousand one hundred fifty point forty-two (2,150.42) cubic inches, or peck, dry quart, and dry pint subdivisions of the bushel; (3-15-22)

f. In units of cubic measure must be in terms of the cubic yard, cubic foot, or cubic inch. (3-15-22)

08. **Abbreviations.** Any of the following abbreviations, and none other, may be employed in the quantity statement on a package of commodity. (There normally are no periods following, nor plural forms of, these abbreviations. For example, "oz" is the abbreviation for both "ounce" and "ounces.")

avoirdupois	-	avdp	quart	-	qt
cubic	-	cu	square	-	sq
feet or feet	-	ft	weight	-	wt
fluid	-	fl	yard	-	yd
gallon	-	gal	cubic centimeter	-	cc
inch	-	in	gram	-	g
liquid	-	liq	kilogram	-	kg
ounce	-	oz	microgram	-	meg
pint	-	pt	milligram	-	mg
pound	-	lb	milliliter	-	ml

(3-15-22)

09. **Units with Two or More Meanings.** When the term "ounce" is employed in a declaration of liquid quantity, the declaration must identify the particular meaning of the term by the use of the term "fluid"; however, such distinction may be omitted when, by association of terms (for example, as in "one (1) pint four (4) ounces"), the proper meaning is obvious. Whenever the declaration of quantity is in terms of the dry pint or dry quart, the declaration must include the word "dry." (3-15-22)

172. PRESCRIBED UNITS.

01. **Less Than One Foot, One Square Foot, One Pound, or One Pint.** The declaration of quantity must be expressed as follows, provided, that the quantity declaration appearing on a random package may be expressed in terms of decimal fractions of the largest appropriate unit, the fraction being carried out to not more than

two (2) decimal places: (3-15-22)

- a. In the case of length measure of less than one (1) foot, inches, and fractions of inches; (3-15-22)
- b. In the case of area measure of less than one (1) square foot, square inches, and fractions of square inches; (3-15-22)
- c. In the case of weight of less than one (1) pound, ounces, and fractions of ounces; (3-15-22)
- d. In the case of fluid measure of less than one (1) pint, ounces, and fractions of ounces; (3-15-22)

02. Four Feet, Four Square Feet, Four Pounds, One Gallon, or More. (3-15-22)

- a. In the case of length measure of four (4) feet or more the declaration of quantity must be expressed in terms of feet, followed in parentheses by a declaration of yards and common or decimal fractions of the yard, or in terms of feet followed in parentheses by a declaration of yards with any remainder in terms of feet and inches. (3-15-22)
- b. In the case of area measure of four (4) square feet or more; (3-15-22)
- c. In the case of weight of four (4) pounds or more; (3-15-22)
- d. In the case of fluid measure of one (1) gallon or more the declaration of quantity must be expressed in terms of the largest whole unit. (3-15-22)

03. Weight—Dual Quantity Declaration. On packages containing one (1) pound or more but less than four (4) pounds, the declaration must be expressed in ounces and, in addition, be followed by a declaration in parentheses, expressed in terms of the largest whole unit, provided, that the quantity declaration appearing on a random package may be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two (2) decimal places. (3-15-22)

04. Fluid Measure—Dual Quantity Declaration. On packages containing (1) one pint or more but less than one (1) gallon, the declaration must be expressed in ounces and, in addition, be followed by a declaration in parentheses, expressed in terms of the largest whole unit. (3-15-22)

05. Length Measure—Dual Quantity Declaration. On packages containing (1) one foot but less than four (4) feet, the declaration must be expressed in inches and, in addition, be followed by a declaration in parentheses, expressed in terms of the largest whole unit. (3-15-22)

06. Area Measure—Dual Quantity Declaration. On packages containing (1) one square foot but less than four (4) square feet, the declaration must be expressed in square inches and, in addition, be followed by a declaration in parentheses, expressed in terms of the largest whole unit. (3-15-22)

07. Bidimensional Commodities. For bidimensional commodities (including roll-type commodities) the quantity declaration must be expressed: (3-15-22)

- a. If less than one (1) square foot, in terms of linear inches and fractions of linear inches; (3-15-22)
- b. If at least one (1) square foot but less than four (4) square feet, in terms of square inches followed in parentheses by a declaration of both the length and width, each being in terms of the largest whole unit, provided, that:
 - i. No square inch declaration is required for a bidimensional commodity of four (4) inches width or less; (3-15-22)
 - ii. A dimension of less than two (2) feet may be stated in inches within the parenthetical; and (3-15-22)

iii. Commodities consisting of usable individual units (except roll-type commodities with individual usable units created by perforations, see Subsection 173.03) require a declaration of unit area but not a declaration of total area of all such units. (3-15-22)

e. If four (4) square feet or more, in terms of square feet followed in parentheses by a declaration of the length and width in terms of the largest whole unit, provided that: (3-15-22)

i. No declaration in square feet is required for a bidimensional commodity with a width of four (4) inches or less; (3-15-22)

ii. A dimension of less than two (2) feet may be stated in inches within the parenthetical; and (3-15-22)

iii. No declaration in square feet is required for commodities for which the length and width measurements are critical in terms of end use (such as tablecloths or bedsheets) if such commodities clearly present the length and width measurements on the label. (3-15-22)

173. POLYETHYLENE SHEETING.

01. **Packages.** All packages of polyethylene sheeting must be labeled as to quantity in accordance with the following: (3-15-22)

a. Actual length; (3-15-22)

b. Actual width; (3-15-22)

c. Actual thickness; and (3-15-22)

d. Actual weight of each individual unit. (3-15-22)

02. **Bulk.** All polyethylene sold from bulk must be accompanied by a delivery ticket with the following information: (3-15-22)

a. The identity; (3-15-22)

b. Actual length, width, thickness, and weight of each individual unit; (3-15-22)

c. The number of individual units; (3-15-22)

d. The total weight of all the units; (3-15-22)

e. The name and address of both the vendor and purchaser; and (3-15-22)

f. The date delivered or the date shipped. (3-15-22)

03. **Count — Ply.** If the commodity is in individually usable units of one (1) or more components or ply, the quantity declaration must, in addition to complying with other applicable quantity declaration requirements of this rule, include the number of ply and the total number of usable units. Roll-type commodities, when perforated so as to identify individual usable units, must not be deemed to be made up of usable units; however, such roll-type commodities must be labeled in terms of: (3-15-22)

a. Total area measurement; (3-15-22)

b. Number of ply; (3-15-22)

c. Count of usable units; and (3-15-22)

d. Dimensions of a single usable unit. (3-15-22)

04. Fractions. A statement of net quantity of contents of any consumer commodity may contain common or decimal fractions. A common fraction must be in terms of halves (1/2), quarters (1/4), eighths (1/8), sixteenths (1/16), or thirty-second (1/32), except that: (3-15-22)

a. If there exists a firmly established general consumer usage and trade custom of employing different common fractions in the net quantity declaration of a particular commodity, they may be employed; and (3-15-22)

b. If linear measurements are required in terms of yards or feet, common fractions may be in terms of thirds (1/3). A common fraction must be reduced to its lowest terms; a decimal fraction must not be carried out to more than two (2) places. (3-15-22)

174. SUPPLEMENTARY DECLARATIONS.

01. Supplementary Quantity Declarations. The required quantity declaration may be supplemented by one (1) or more accurate declarations of weight, measure, or count, such declaration appearing other than on a principal display panel. Such supplemental statement of quantity of contents must not include any terms qualifying a unit of weight, measure, or count that tends to exaggerate the amount of commodity contained in the package (e.g., "giant" quart, "full" gallon, "when packed," "minimum," or words of similar import). (3-15-22)

02. Metric System Declarations. A separate statement of the net quantity of contents in terms of the metric system is not regarded as a supplemental statement, and a statement of quantity in terms of the metric system of weight or measure may also appear on the principal display panel or on other panels. The metric system may be used as provided for by Section 71-229, Idaho Code, in lieu of the traditional system of weights and measures by substituting the proper metric terms where applicable in these rules. (3-15-22)

03. Qualification of Declaration Prohibited. In no case will any declaration of quantity be qualified by the addition of the words "when packed," "minimum," or "not less than," or any words of similar import, nor any unit of weight, measure, or count be qualified by any term (such as "jumbo," "giant," "full," or the like) that tends to exaggerate the amount of commodity. (3-15-22)

175. - 179. (RESERVED)

180. DECLARATION OF QUANTITY - NON CONSUMER PACKAGES.

01. Location. Non-consumer packages must bear on the outside a declaration of the net quantity of contents. Such declaration must be in terms of the largest whole unit (see Subsection 171.01 Largest Whole Unit). (3-15-22)

02. Terms - Weight, Liquid Measure, or Count. The declaration of the quantity of a particular commodity must be expressed in terms of liquid measure if the commodity is liquid, or in terms of weight if the commodity is solid, semisolid, viscous, or a mixture of solid and liquid, or in terms of numerical count. However, if there exists a firmly established general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity of a particular commodity, such declaration of quantity may be expressed in its traditional terms, if such traditional declaration gives accurate and adequate information as to the quantity of the commodity. (3-15-22)

03. Units - Weight, Measure. A declaration of quantity: (3-15-22)

a. In units of weight must be in terms of the avoirdupois pound or ounce; (3-15-22)

b. In units of liquid measure must be in terms of the United States gallon of two hundred thirty-one (231) cubic inches or liquid quart, liquid pint, or fluid ounce subdivisions of the gallon, and must express the volume at sixty-eight (68) degrees F, twenty (20) degrees C, except in the case of petroleum products, for which the declaration must express the volume at sixty (60) degrees F, fifteen point six (15.6) degrees C, and except also in the

~~case of a commodity that is normally sold and consumed while frozen for which the declaration must express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration must express the volume at forty (40) degrees F, four (4) degrees C;~~ (3-15-22)

- ~~e. In units of linear measure must be in terms of the yard, foot, or inch;~~ (3-15-22)
- ~~d. In units of area measure, must be in terms of the square yard, square foot, or square inch;~~ (3-15-22)
- ~~e. In units of dry measure shall be in terms of the United States bushel of two thousand one hundred fifty and forty-two one hundredths (2,150.42) cubic inches, or peck, dry-quart and dry-pint subdivisions of the bushel;~~ (3-15-22)
- ~~f. In units of cubic measure must be in terms of the cubic yard, cubic foot, or cubic inch, provided that nothing in this subsection prohibits the labeling of non-consumer packages in terms of units on the metric system.~~ (3-15-22)

~~04. Abbreviations. Any generally accepted abbreviation of a unit name may be employed in the quantity statement on a non-consumer package of commodity. (For commonly accepted abbreviations, see Subsection 171.08, Abbreviations.)~~ (3-15-22)

~~05. Character of Declaration—Average. The average quantity of contents in the non-consumer package of a particular lot, shipment, or delivery must at least equal the declared quantity, and no unreasonable shortage in any package is permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage.~~ (3-15-22)

181.—199. (RESERVED)

200. PROMINENCE AND PLACEMENT—CONSUMER PACKAGES.

~~01. General. All information required to appear on a consumer package must appear thereon in the English language and be prominent, definite, and plain, and be conspicuous as to size and style of letters and numbers and as to color of letters and numbers in contrast to color of background. Any required information that is either in hand lettering or hand script must be entirely clear and equal to printing in legibility.~~ (3-15-22)

~~02. Location. The declaration or declarations of quantity of the contents of a package must appear in the bottom thirty percent (30%) of the principal display panel or panels, except as otherwise provided in Subsection 220.07, Cylindrical Containers.~~ (3-15-22)

~~03. Style of Type or Lettering. The declaration or declarations of quantity must be in such a style of type or lettering as to be boldly, clearly, and conspicuously presented with respect to other type, lettering, or graphic material on the package, except that a declaration of net quantity blown, formed or molded on a glass or plastic surface is permissible when all label information is blown, formed, or molded on the surface.~~ (3-15-22)

~~04. Color Contrast. The declaration or declarations of quantity must be in a color that contrasts conspicuously with its background, except that a declaration of net quantity blown, formed, or molded on a glass or plastic surface is not required to be presented in a contrasting color if no required label information is on the surface in a contrasting color.~~ (3-15-22)

~~05. Free Area. The area surrounding the quantity declaration must be free of printed information as follows:~~ (3-15-22)

- ~~a. Above and below, by a space equal to at least the height of the lettering in the declaration; and~~ (3-15-22)
- ~~b. To the left and right, by a space equal to twice the width of the letter "N" of the style and size of type used in the declaration.~~ (3-15-22)

06. Parallel Quantity Declaration. The quantity declaration must be presented in such a manner as to be generally parallel to the declaration of identity and to the base on which the package rests as it is designed to be displayed. (3-15-22)

07. Calculation of Area of Principal Display Panel for Purposes of Type Size. The square inch area of the principal display panel must be as follows: (3-15-22)

a. In the case of a rectangular container, one (1) entire side, which properly can be considered to be the principal display panel, the product of the height times the width of that side; (3-15-22)

b. In the case of a cylindrical or nearly cylindrical container, forty percent (40%) of the product of the height of the container times the circumference; or (3-15-22)

c. In the case of any other shaped container, forty percent (40%) of the total surface of the container, unless such container presents an obvious principal display panel (e.g., the top of a triangular or circular package of cheese, or the top of a can of shoe polish), the area must consist of the entire such surface. (3-15-22)

d. Determination of the principal display panel excludes tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars. (3-15-22)

08. Minimum Height of Numbers and Letters. The height of any letter or number in the required quantity declaration must be not less than that shown in Subsection 200.10, Table 1 with respect to the square-inch area of the panel, and the height of each number of a common fraction must meet one-half (1/2) the minimum height standards. (3-15-22)

09. Numbers and Letters—Proportion. No number or letter may be more than three (3) times as high as it is wide. (3-15-22)

10. Minimum Height of Numbers and Letters—Table 1.

Square-inch Area of Principal Display Panel	Minimum Height of Numbers and Letters	Minimum Height: Label Information Blown, Formed, or Molded on Surface of Container
5 square inches and less	1/16 inch	1/8 inch
Greater than 5 square inches and not greater than 25 square inches.	1/8 inch	3/16 inch
Greater than 25 square inches and not greater than 100 square inches.	3/16 inch	1/4 inch
Greater than 100 square inches and not greater than 400 square inches.	1/4 inch	5/16 inch
Greater than 400 square inches.	1/2 inch	9/16 inch

(3-15-22)

201.—209. (RESERVED)

210. PROMINENCE AND PLACEMENT—NON-CONSUMER PACKAGES GENERAL.

All information required to appear on a non-consumer package must be definitely and clearly stated thereon in the English language. Any required information that is either in hand lettering or hand script must be entirely clear and equal to printing in legibility. (3-15-22)

211.—219. (RESERVED)

220. REQUIREMENTS—SPECIFIC CONSUMER COMMODITIES, PACKAGES, CONTAINERS.

01. Display Card Package. For an individual package affixed to a display card, or for a commodity and display card together comprising a package, the type size of the quantity declaration is governed by the dimensions of the display card. (3-15-22)

02. Eggs. When cartons containing twelve (12) eggs have been designed so as to permit division in half by the retail purchaser, the required quantity declaration must be so positioned as to have its context destroyed when the carton is divided. (3-15-22)

03. Aerosols and Similar Pressurized Containers. The declaration of quantity on an aerosol package, and on a similar pressurized package, must disclose the net quantity of the commodity (including propellant), in terms of weight, that will be expelled when the instructions for use as shown on the container are followed. (3-15-22)

04. Multi-Unit Packages. Any package containing more than one (1) individual "commodity in package form" (see Subsection 151.01) of the same commodity must bear on the outside of the package a declaration of the following: (3-15-22)

a. The number of individual units; (3-15-22)

b. The quantity of each individual unit; and (3-15-22)

e. The total quantity of the contents of the multi-unit package, provided, that the requirement for a declaration of the total quantity of contents of a multi-unit package must be effective with respect to those labels revised after the effective date of this rule. Any such declaration of total quantity is not required to include the parenthetical quantity statement of a dual quantity representation. (3-15-22)

05. Combination Packages. Any package containing individual units of dissimilar commodities (such as an antiquing kit, for example) must bear on the label of the package a quantity declaration for each unit. (3-15-22)

06. Variety Packages. Any package containing individual units of reasonably similar commodities (such as, for example, seasonal gift packages, variety packages of cereal) must bear on the label of the package a declaration of the total quantity of commodity in the package. (3-15-22)

07. Cylindrical Containers. In the case of cylindrical or nearly cylindrical containers, information required to appear on the principal display panel must appear within that forty percent (40%) of the circumference that is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale. (3-15-22)

221.—229. (RESERVED)

230. MEASUREMENT OF CONTAINER-TYPE COMMODITIES, HOW EXPRESSED.

01. General. Commodities designed and sold at retail to be used as containers for other materials or objects, such as bags, cups, boxes, and pans, must be labeled with the declaration of net quantity as follows: (3-15-22)

a. For bag-type commodities, in terms of count followed by linear dimensions of the bag (whether packaged in a perforated roll or otherwise). (3-15-22)

b. When the unit bag is characterized by two (2) dimensions because of the absence of a gusset, the width and length will be expressed in inches, except that a dimension of two (2) feet or more will be expressed in feet with any remainder in terms of inches or common or decimal fractions of the foot. (Example: "25 bags, 17 in x 20 in" or "100 bags, 20 in x 2 ft 6 in" or "50 bags, 20 in x 2 1/2 ft"). (3-15-22)

e. When the unit bag is gusseted, the dimensions will be expressed as width, depth, and length, in terms of inches, except that any dimension of two (2) feet or more will be expressed in feet with any remainder in

terms of inches or the common or decimal fractions of the foot. (Examples: "25 bags, 17 in x 4 in x 20 in" or "100 bags, 20 in x 12 in x 2 1/2 ft"). (3-15-22)

d. For other square, oblong, rectangular, or similarly shaped containers, in terms of count followed by length, width, and depth, except depth need not be listed when less than two (2) inches. (Example: "2 cake pans, 8 in x 8 in" or "roasting pan, 12 in x 8 in x 3 in"). (3-15-22)

e. For circular or other generally round-shaped containers, except cups, and the like in terms of count followed by diameter and depth, except depth need not be listed when less than two (2) inches. (Example: "4 pie pans, 8 in diameter x 4 in"). (3-15-22)

02. Capacity. When the functional use of the container is related by label references in standard terms of measure to the capability of holding a specific quantity of substance or class of substances such references must be a part of the net quantity statement and must specify capacity as follows: (3-15-22)

a. Liquid measure for containers that are intended to be used for liquids, semisolids, viscous materials, or mixtures of solids and liquids. The expressed capacity will be stated in terms of the largest whole unit (gallon, quart, pint, ounce), with any remainder in terms of the common or decimal fraction of that unit. (Example: Freezer Boxes "4 boxes, 1-qt capacity, 5 in x 4 in x 3 in"). (3-15-22)

b. Dry measure for containers that are intended to be used for solids. The expressed capacity will be stated in terms of the largest whole unit (bushel, peck), with any remainder in terms of the common or decimal fraction of that unit. (Example: Leaf bags "8 bags, 6 bushel capacity, 3 ft x 5 ft"). (3-15-22)

e. Where containers are used as liners for other more permanent containers, in the same terms as are normally used to express the capacity of the more permanent container. (Example: Garbage Can Liners "10 liners, 2 ft 6 in x 3 ft 9 in, fits up to 30 gallon cans"). (3-15-22)

d. Notwithstanding the above requirements, the net quantity statement for containers such as cups will be listed in terms of count and liquid capacity per unit. (Example: "24 cups, 6 fl oz capacity"). For purposes of this section, the use of the terms "capacity," "diameter," and "fluid" is optional. (3-15-22)

231.—239. (RESERVED)

240. TEXTILE PRODUCTS, THREADS, AND YARNS.

01. Wearing Apparel. Wearing apparel (including non-textile apparel and accessories such as leather goods and footwear) sold as single-unit items, or if normally sold in pairs (such as hosiery, gloves, and shoes) sold as single-unit pairs, is exempt from the requirements for a net quantity statement by count, as required by Subsection 171.05 of this rule. (3-15-22)

02. Textiles. Bedsheets, blankets, pillowcases, comforters, quilts, bedspreads, mattress covers and pads, afghans, throws, dresser and other furniture scarfs, tablecloths and napkins, flags, curtains, drapes, dish towels, dish cloths, towels, face cloths, utility cloths, bath mats, carpets and rugs, pot holders, fixture and appliance covers, non-rectangular diapers, slip covers, etc., are exempt from the requirements of Subsection 172.07 of this rule, provided that: (3-15-22)

a. The quantity statement for fitted sheets and mattress covers must state, in inches, the length and width of the mattress for which the item is designed, such as "twin," "double," "king," etc. (Example: "Twin Fitted Sheet for thirty-nine by seventy-five (39 x 75) inch mattress") (3-15-22)

b. The quantity statement for flat sheets must state the size designation of the mattress for which the sheet is designed, such as "twin," "double," "king," etc. The quantity statement also must state, in inches, the length and width of the mattress for which the sheet is designed, followed in parentheses by a statement, in inches, of the length and width of the sheet before hemming. (Example: "Double Flat Sheet for fifty-four by seventy-five (54 x 75) inch mattress (eighty-one by one hundred four (81 x 104) inch before hemming") (3-15-22)

e. The quantity statement for pillowcases must state the size designation of the pillow for which the pillowcase is designed, such as "youth," "standard," and "queen," etc. The quantity statement also must state, in inches, the length and width of the pillow for which the pillowcase is designed, followed in parentheses by a statement, in inches, of the length and width of the pillowcase before hemming. (Example: "Standard Pillowcase for twenty by twenty-six (20 x 26) inch pillow (forty-two by thirty-six (42 x 36) inch before hemming)") (3-15-22)

d. The quantity statement for blankets, comforters, quilts, bedspreads, mattress pads, afghans, and throws must state, in inches, the length and width of the finished item. The quantity statement also may state the length of any ornamentation and the size designation of the mattress for which the item is designed, such as "twin," "double," "king," etc. (3-15-22)

e. The quantity statement for tablecloths and napkins must state, in inches, the length and width of the finished item. The quantity statement also may state parenthetically, in inches, the length and width of the items before hemming and properly identified as such. (3-15-22)

f. The quantity statement for curtains, drapes, flags, furniture scarfs, etc., must state, in inches, the length and width of the finished item. The quantity statement also may state parenthetically, in inches, the length of any ornamentation. (3-15-22)

g. The quantity statement for carpets and rugs must state, in feet, with any remainder in common or decimal fractions of the foot or in inches, the length and width of the item. The quantity statement also may state parenthetically, in inches, the length of any ornamentation. (3-15-22)

h. The quantity statement for woven dish towels, dish cloths, towels, face cloths, utility cloths, bath mats, etc., must state, in inches, the length and width of the item. The quantity statement for such items, when knitted, need not state the dimensions. (3-15-22)

i. The quantity statement for textile products such as pot holders, fixture and appliance covers, non-rectangular diapers, slip covers, etc., must be stated in terms of count and may include size designations and dimensions. (3-15-22)

j. The quantity statement for other than rectangular textile products identified in Subsections 240.02.a. through 240.02.h. must state the geometric shape of the product and the dimensions which are customarily used in describing such geometric shape. (Example: "Oval Tablecloth fifty-four by forty-two (54x42) inch" representing the maximum length and width in this case). (3-15-22)

k. The quantity statement for packages of remnants of textile products of assorted sizes, when sold by count, must be accompanied by the term "irregular dimensions" and the minimum size of such remnants. (3-15-22)

03. Textiles—Variations from Declared Dimensions. (3-15-22)

a. For an item with no declared dimension less than twenty-four (24) inches, a minus variation greater than three percent (3%) of a declared dimension and a plus variation greater than six percent (6%) of a declared dimension should be considered unreasonable. (3-15-22)

b. For an item with a declared dimension less than twenty-four (24) inches, a minus variation greater than six percent (6%) of a declared dimension and a plus variation greater than twelve percent (12%) of a declared dimension should be considered unreasonable. (3-15-22)

04. Exemption—Variety Textile Packages. Variety packages of textiles which are required by reason of Subsection 171.06 to provide a combination declaration stating the quantity of each individual unit, are exempt from the requirements in this rule for the following: (3-15-22)

a. Location (see Subsection 200.02); or (3-15-22)

b. Free area (see Subsection 200.05); or (3-15-22)

e. Minimum height of numbers and letters. (see Subsection 200.08). (3-15-22)

05. ~~Sewing Threads, Handicraft Threads, and Yarns.~~ Sewing and handicraft threads are exempt from the requirements of Subsections 172.02.a. through 172.02.d. of this rule, provided that: (3-15-22)

a. The net quantity statement for sewing and handicraft threads must be expressed in terms of yards. (3-15-22)

b. The net quantity statement for yarns must be expressed in terms of weight. (3-15-22)

e. Thread products may, in lieu of name and address, bear a trademark, symbol, brand, or other mark that positively identifies the manufacturer, packer, or distributor, provided that such marks, employed to identify the vendor, must be filed with the Director. (3-15-22)

d. Each unit of industrial thread must be marked to show its net measure in terms of yards or its net weight in terms of avoirdupois pounds or ounces, except that ready-wound bobbins which are not sold separately, shall not be required to be individually marked but the package containing such bobbins must be marked to show the number of bobbins contained therein and the net yards of thread on each bobbin. (3-15-22)

241. – 249. (RESERVED)

250. EXEMPTIONS.

01. ~~General.~~ Whenever any consumer commodity or package of consumer commodity is exempted from the requirements for dual quantity declaration, the net quantity declaration required to appear on the package must be in terms of the largest whole unit (except see Subsection 220.04.e., Multi-Unit Packages). (3-15-22)

02. ~~Random Packages.~~ A random package bearing a label conspicuously declaring: (3-15-22)

a. The net weight; (3-15-22)

b. The price per pound, or other unit of weight, measure or count; and (3-15-22)

e. The total price is exempt from the type, size, dual declaration, placement, and free area requirements of this rule. In the case of a random package packed at one place for subsequent sale at another, neither the price per unit of weight nor the total selling price need appear on the package, provided the package label includes both such prices at the time it is offered or exposed for sale at retail. This exemption also applies to uniform weight packages of cheese and cheese products labeled in the same manner and by the same type of equipment as random packages exempted by this section. (3-15-22)

03. ~~Small Confections.~~ Individually wrapped pieces of "penny candy" and other confectionery of less than one-half (1/2) ounce net weight per individual piece is exempt from the labeling requirements of this rule when the container in which such confectionery is shipped is in conformance with the labeling requirements of this rule. Similarly, when such confectionery items are sold in bags or boxes, such items are exempt from the labeling requirements of this rule including the required declaration of net quantity of contents, when the declaration of the bag or box meets the requirements of this rule. (3-15-22)

04. ~~Individual Servings.~~ Individual serving-size packages of foods containing less than one-half (1/2) ounce or less than one-half (1/2) fluid ounce for use in restaurants, institutions, and passenger carriers, and not intended for sale at retail, are exempt from the required declaration of net quantity of contents specified in this rule. (3-15-22)

05. ~~Cuts, Plugs, and Twists of Tobacco and Cigars.~~ When individual cuts, plugs, and twists of tobacco and individual cigars are shipped or delivered in containers that conform to the labeling requirements of this rule, such individual cuts, plugs, and twists of tobacco and cigars are exempt from such labeling requirements. (3-15-22)

06. Reusable (Returnable) Glass Containers. Nothing in this rule is deemed to preclude the continued use of reusable (returnable) glass containers; provide, that such glass containers ordered after the effective date of this rule must conform to all requirements of this rule. (3-15-22)

07. Cigarettes and Small Cigars. Cartons of cigarettes and small cigars, containing ten (10) individual packages of twenty (20), labeled in accordance with the requirements of this rule are exempt from the requirements set forth in Subsection 200.02, Location, Subsection 200.08, Minimum Height of Numbers and Letters, and Subsection 220.04, Multi-Unit Packages, provided that such cartons bear a declaration of the net quantity of commodity in the package. (3-15-22)

08. Packaged Commodities with Labeling Requirements Specified in Federal Law. Packages of meat and meat products, poultry and poultry products, tobacco and tobacco products, insecticides, fungicides, rodenticides, alcoholic beverages, and seeds are exempt from the requirements set forth in Subsection 172.03, Weight: Dual Quantity Declaration; Subsection 172.04, Fluid Measure: Dual Quantity Declaration; Subsection 172.05, Length Measure: Dual Quantity Declaration; Subsection 172.06, Area Measure: Dual Quantity Declaration; Subsection 200.02, Location; and Subsection 200.08, Minimum Height of Numbers and Letters, provided that quantity labeling requirements for such products are specified in Federal Law, so as to follow reasonably sound principles of providing consumer information. (3-15-22)

09. Fluid Dairy Products, Ice Cream, and Similar Frozen Desserts. (3-15-22)

a. When packaged in one-half (1/2) liquid pint and one-half (1/2) gallon containers, are exempt from the requirements for stating net contents of eight (8) fluid ounces and sixty-four (64) fluid ounces, which may be expressed as one-half (1/2) pint and one-half (1/2) gallon, respectively. (3-15-22)

b. When packaged in one (1) liquid pint, one (1) liquid quart, and one-half (1/2) gallon containers, are exempt from the dual net contents declaration requirements of Subsection 172.04, Fluid Measure: Dual Quantity Declaration. (3-15-22)

e. When measured by and packaged in one-half (1/2) liquid pint, one (1) liquid pint, one (1) liquid quart, one-half (1/2) gallon and one (1) gallon measure containers as defined in "Measure Container Code of National Bureau of Standards, or its successor organization, the National Institute of Standards and Technology, Handbook 44," are exempt from the requirement of Subsection 200.02, Location, that the declaration of net contents be located within the bottom thirty percent (30%) of the principal display panel. (3-15-22)

d. Milk and milk products when measured by and packaged in glass or plastic containers of one-half (1/2) liquid pint, one (1) liquid pint, one (1) liquid quart, one-half (1/2) gallon, and one (1) gallon capacities are exempt from the placement requirement of Subsection 200.02, Location, that the declaration of net contents be located within the bottom thirty percent (30%) of the principal display panel, provided that other required label information is conspicuously displayed on the cap or outside closure, and the required net quantity of contents declaration is conspicuously blown, formed, or molded on, or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container. (3-15-22)

10. Single Strength and Less Than Single Strength Fruit Juice Beverages, Imitations Thereof, and Drinking Water. (3-15-22)

a. When packaged in glass, plastic, or fluid milk type paper containers of eight (8) and sixty-four (64) fluid ounce capacity, are exempt from the requirements of Subsection 171.07.b., Units: Weight, Measure, to the extent that net contents of eight (8) fluid ounces and sixty-four (64) fluid ounces (or two (2) quarts) may be expressed as one-half (1/2) pint (or half pint) and one-half (1/2) gallon (or half gallon), respectively. (3-15-22)

b. When packaged in glass, plastic, or fluid milk type paper containers of one (1) pint, one (1) quart, and one-half (1/2) gallon capacities, are exempt from the dual net contents declaration requirements of Subsection 172.04, Fluid Measure: Dual Quantity Declaration. (3-15-22)

e. When packaged in glass or plastic containers of one-half (1/2) pint, one (1) pint, one (1) quart, one (1/2) gallon, and one (1) gallon capacities, are exempt from the placement requirement of Subsection 200.02,

~~Location, that the declaration of net contents be located within the bottom thirty percent (30%) of the principal display panel; provided that other required label information is conspicuously displayed on the cap or outside closure and the required net quantity of contents declaration is conspicuously blown, formed, or molded into or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.~~ (3-15-22)

11. Soft Drink Bottles. Bottles of soft drinks are exempt from the placement requirements for the declaration of: (3-15-22)

a. Identity, when such declaration appears on the bottle closure; and (3-15-22)

b. Quantity, when such declaration is blown, formed, or molded on or above the shoulder of the container and when all other information required by this rule appears only on the bottle closure. (3-15-22)

12. Multi-Unit Soft Drink Packages. Multi-unit packages of soft drinks are exempt from the requirement for a declaration of: (3-15-22)

a. Responsibility, when such declaration appears on the individual units and is not obscured by the multi-unit packaging, or when the outside container bears a statement to the effect that such declaration will be found on the individual units inside; and (3-15-22)

b. Identity, when such declaration appears on the individual units and is not obscured by the multi-unit packaging. (3-15-22)

13. Butter. When packaged in four (4) ounce, eight (8) ounce, and one (1) pound units with continuous label copy wrapping, butter is exempt from the requirements that the statement of identity (Subsection 170.01) and the net quantity declaration (Subsection 200.06) be generally parallel to the base of the package. When packaged in eight (8) ounce and one (1) pound units, butter is exempt from the requirement for location (Subsection 200.02) of net quantity declaration and, when packaged in one (1) pound units, is exempt from the requirement for dual quantity declaration (Subsection 172.03). (3-15-22)

14. Eggs. Carton containing twelve (12) eggs are exempt from the requirement for location (Subsection 200.02) of net quantity declaration. When such cartons are designed to permit division in half, each half (1/2) are exempt from the labeling requirements of this rule if the undivided carton conforms to all such requirements. (3-15-22)

15. Flour. Packages of wheat flour packaged in units of two (2), five (5), ten (10), twenty-five (25), fifty (50), and one-hundred (100) pounds are exempt from the requirement in this rule of location (Subsection 200.02) of the net quantity declaration and, when packaged in units of two (2) pounds, are exempt also from requirement for a dual quantity declaration (Subsection 172.03). (3-15-22)

16. Small Packages. On a principal display panel of five (5) square inches or less, the declaration of quantity need not appear in the bottom thirty (30%) of the principal display panel if that declaration satisfies the other requirements of this rule. (3-15-22)

17. Decorative Containers. The principal display panel of a cosmetic marketed in a "boudoir-type" container including decorative cosmetic containers of the "cartridge," "pill box," "compact," or "pencil" variety, and those with a capacity of one-fourth (1/4) ounce or less, may be a tear-away tag or tape affixed to the decorative container and bearing the mandatory label information as required by this rule. (3-15-22)

18. Combination Packages. Combination packages are exempt from the requirements in this rule for: (3-15-22)

a. Location (see Subsection 200.02); (3-15-22)

b. Free area (see Subsection 200.05); and (3-15-22)

c. Minimum height of numbers and letters (see Subsection 200.08). (3-15-22)

19. Margarine. Margarine in one (1) pound rectangular packages, except for packages containing whipped or soft margarine or packages containing more than four (4) sticks, is exempt from the requirement in this rule for location (see Subsection 200.02) of the net quantity declaration, and is exempt from the requirement for a dual quantity declaration (see Subsection 172.03). (3-15-22)

20. Corn Flour. Corn flour packaged in conventional five (5), ten (10), twenty-five (25), fifty (50), and one-hundred (100) pound bags is exempt from the requirement in this rule for location (see Subsection 200.02) of the net quantity declaration. (3-15-22)

21. Prescription and Insulin Containing Drugs. Prescription and insulin containing drugs subject to the provisions of Section 503(b)(1) or 506 of the Federal Food, Drug, and Cosmetic Act are exempt from the provisions of this rule. (3-15-22)

22. Camera Film. Camera film packaged and labeled for retail sale is exempt from the net quantity statement requirements of this rule which specify how measurement of commodities should be expressed, provided that: (3-15-22)

a. The net quantity of contents on packages of movie film and bulk still film is expressed in terms of the number of lineal feet of usable film contained therein. (3-15-22)

b. The net quantity of contents on packages of still film is expressed in terms of the number of exposures the contents will provide. The length and width measurements of the individual exposures, expressed in millimeters or inches, are authorized as an optional statement. (Example: "36 exposures, 36 x 24 mm" or "12 exposures, 2-1/4 x 2-1/4 in"). (3-15-22)

23. Paints and Kindred Products. Paints, varnishes, lacquers, thinners, removers, oils, resins, and solvents, when packed in one (1) liquid pint and one (1) liquid quart units are exempt from the dual quantity declaration requirements of Subsection 172.04. (3-15-22)

24. Automotive Cooling System Antifreeze. Antifreeze, when packed in one (1) liquid quart units, in metal or plastic containers, is exempt from the dual quantity declaration requirements of Subsection 172.04. (3-15-22)

25. Motor Oils. Motor oils, when packed in one (1) liquid quart units, are exempt from the dual quantity declaration requirements of Subsection 172.04. Additionally, motor oil in one (1) liquid quart, one (1) gallon, one and one-fourth (1-1/4) gallon, two (2) gallon, and two and one-half (2-1/2) gallon units, bearing the principal display panel on the body of the container, is exempt from the requirements of Subsection 170.01 through 170.03. Identity, to the extent that the SAE grade is required to appear on the principal display panel, provided the SAE grade appears on the can lid and is expressed in letters and numerals in type size of at least one-fourth (1/4) inch. (3-15-22)

251. - 259. (RESERVED)

260. VARIATIONS TO BE ALLOWED.

01. Packaging Variations. (3-15-22)

a. Variations from Declared Net Quantity. Variations from the declared net weight, measure, or count are permitted when caused by unavoidable deviations in weighing, measuring, or counting the contents of individual packages that occur in good packaging practice, but such variations are not permitted to such extent that the average of the quantities in the packages of a particular commodity, or a lot of the commodity that is kept, offered, or exposed for sale, or sold, is below the quantity stated, and no unreasonable shortage in any package is permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage. Variations above the declared quantity may not be unreasonably large. (3-15-22)

b. Variations Resulting from Exposure. Variations from the declared weight or measure are permitted

when caused by ordinary and customary exposure to conditions that normally occur in good distribution practice and that unavoidably result in change of weight or measure, but only after the commodity is introduced into intrastate commerce; provided that the phrase "introduced into intrastate commerce" as used in this paragraph must be construed to define the time and the place at which the first sale and delivery of a package is made within the state, the delivery being either: (3-15-22)

i. Directly to the purchaser or to his agent; or (3-15-22)

ii. To a common carrier for shipment to the purchaser, and this paragraph must be construed as requiring that, so long as a shipment, delivery, or lot of packages of a particular commodity remains in the possession or under the control of the packager or the person who introduces the package into intrastate commerce, exposure variations are not permitted. (3-15-22)

02. Magnitude of Permitted Variations. The magnitude of variations permitted under Section 260 of this rule must, in the case of any shipment, delivery, or lot, be determined by the facts in the individual case. (3-15-22)

261.—269. (RESERVED)

270. MISLEADING PACKAGES.

No commodity in package form may be so wrapped, nor be in a container so made, formed, or filled as to mislead the purchaser as to the quantity of the package, and the contents of a container must not fall below such reasonable standard of fill as may have been prescribed for the commodity in question by the Director. (3-15-22)

271. ADVERTISING PACKAGES FOR SALE.

Whenever a packaged commodity is advertised in any manner with the retail price stated, there must be closely and conspicuously associated with the retail price a declaration of quantity as is required by law or rule to appear on the package. Where a dual declaration is required, only the declaration that sets forth the quantity in terms of the smaller unit of weight or measure need appear in the advertisement. And provided further, that there must not be included as part of the package declaration required under this section such qualifying terms as "when packed," "minimum," "not less than," or any other terms of similar import, nor any term qualifying a unit of weight, measure, or count (for example, "jumbo," "giant," "full," and the like) that tends to exaggerate the amount of commodity in the package. (3-15-22)

272.—299. (RESERVED)

300. PETROLEUM PRODUCTS.

01. Liquefied Petroleum. Liquefied petroleum gas is considered to be a petroleum product and must be sold only by weight or liquid measure as provided in Sections 71-232 and 71-241, Idaho Code, of the Idaho Weights and Measures Law. (3-15-22)

02. Metering System Installation. A liquefied petroleum gas metering system installation must be complete, that is, so installed to insure that liquefied petroleum gas is maintained in a liquid state while being metered. This includes an adequate means for vapor elimination upstream of meter and a properly installed and functioning differential valve downstream from meter. (3-15-22)

03. Maintaining Scales. Scales used for liquefied petroleum gas bottle filling must be maintained in an adequate and accurate functioning condition. This means the periodic checking by a competent scale repairman, and checked regularly by your company's serviceman for any foreign material and clearances around lever system and working parts. Scales must be installed so that they are protected against weather effects so that weight value indicating elements can be accurately read. (3-15-22)

04. Gauge Stick Measurement. Petroleum products are not to be sold by gauge stick measurement. (3-15-22)

05. Single Meters. Trucks with a single meter which are used to meter oils and gasolines must be

calibrated and adjusted on one of the following only: furnace or heating oils, diesel fuels, kerosene and/or high flash solvents. (3-15-22)

06. Compressed Natural Gas. All compressed natural gas kept, offered or exposed for sale and sold at retail as a vehicle fuel must be measured in terms of mass, and indicated in gasoline gallon equivalent (GGE), diesel gallon equivalent (DGE) units, or mass. (3-15-22)

07. Liquefied Natural Gas. All liquefied natural gas kept, offered, or exposed for sale and sold at retail as a vehicle fuel must be measured in terms of mass, and indicated in diesel gallon equivalent (DGE) units, or mass. (3-15-22)

301. 349. (RESERVED)

350. SALE AND LABELING OF GASOLINE WHICH CONTAINS OXYGENATES.

01. Pump Labeling Requirements. (3-15-22)

a. All spark ignition engine fuel kept, offered, or exposed for sale, or sold, at retail containing at least one percent (1%) by volume and not more than ten percent (10%) by volume of any oxygenate or combination of oxygenates must be identified as "with" or "containing" (or similar wording) the specific type of oxygenate(s) in the engine fuel. For example, the label may read "contains ethanol" or "with MTBE/ETBE." This information must be posted on the upper fifty percent (50%) of the dispenser front panel in a position clear and conspicuous from the driver's position, in a type at least one-half (1/2) inch in height, one-sixteenth (1/16) inch stroke (width of type). (3-15-22)

b. The labels are to be furnished by the retail owner or operator. (3-15-22)

02. Oxygenates Content Labels. (3-15-22)

a. The label must have letters in bold face, block not less than one-half (1/2) inch high. The lettering must be in black on a contrasting background. Both colors must be non-fade. (3-15-22)

b. The label must be displayed on both faces of the dispenser on the upper one-half (1/2) of the dispenser as near the unit price display as practical. (3-15-22)

03. Documentation for Dispenser Labeling Purposes. The retailer must be provided, at the time of delivery of the fuel, on an invoice, bill of lading, shipping paper, or other documentation, a declaration of any oxygenate or combination of oxygenates present in concentrations of at least one percent (1%) by volume of the fuel. This documentation is only for dispenser labeling purposes; it is the responsibility of any potential blender to determine the total oxygen content of the engine fuel before blending. (3-15-22)

04. Fuel Specifications for Gasoline and Gasoline Oxygenate Blends. (3-15-22)

a. The version of ASTM D 4814 "Standard Specification for Automotive Spark Ignition Engine Fuel" incorporated by reference in this rule is the standard for gasoline and gasoline oxygenate blends, except the volatility standards for unleaded gasoline blended with ethanol must not be more restrictive than those adopted under the rules, regulations, and Clean Air Act waivers of the U.S. Environmental Protection Agency. Gasoline blended with ethanol must be blended under any of the following three (3) options. (3-15-22)

i. The base gasoline used in such blends must meet the requirements of ASTM D 4814, or (3-15-22)

ii. The blend must meet the requirements of ASTM D 4814, or (3-15-22)

iii. The base gasoline used in such blends must meet all the requirements for gasoline of ASTM D 4814 except distillation, and the blend must meet the distillation requirements of the ASTM specification. (3-15-22)

b. Blends of gasoline and ethanol must not exceed the ASTM D 4814 vapor pressure standard by

more than one point zero (1.0) psi. (3-15-22)

351. BIODIESEL.

Identification and labeling requirements for biodiesel. (3-15-22)

01. Identification of Product. Biodiesel and biodiesel blends must be identified by the capital letter B followed by the numerical value representing the volume percentage of biodiesel fuel. (Examples: B10, B20, B100). (3-15-22)

02. Labeling of Retail Dispensers. Each retail dispenser of biodiesel or biodiesel blend containing more than five percent (5%) must be labeled with the capital letter B followed by the numerical value representing the volume percentage of biodiesel fuel and ending with the either "biodiesel" or "biodiesel blend." (Examples: B10 biodiesel, B20 biodiesel blend). (3-15-22)

a. The label must have letters in bold face block not less than one-half (1/2) inch high, with the lettering clearly legible on a contrasting background. (3-15-22)

b. The label must be displayed on both faces of the dispenser on the upper one-half (1/2) of the dispenser as near the unit price display as practical. (3-15-22)

03. Documentation for Dispenser Labeling Purposes. (3-15-22)

a. The retailer must be provided a declaration of the volume percent of the biodiesel on an invoice, bill of lading, shipping paper, or other document, at the time of delivery of the fuel. (3-15-22)

b. This documentation is for dispenser labeling purposes only; it is the responsibility of any potential blender to determine the amount of biodiesel in the diesel fuel prior to blending. (3-15-22)

04. Exemption. Biodiesel blends containing five percent (5%) or less biodiesel by volume are exempted from the requirements of Section 351 of this rule. (3-15-22)

352. 399. (RESERVED)

400. UNATTENDED VENDING MACHINES.

01. Vending Machine Displays. Any coin or currency operated device which automatically dispenses consumer commodities or consumer packages without a full-time attendant must clearly display a sign or signs showing the following facts: (3-15-22)

a. The name of the commodity or commodities dispensed; (3-15-22)

b. The brand name or names of the commodity or commodities dispensed; (3-15-22)

c. A statement of the quantity of each commodity or package to be dispensed through the device, except that this paragraph does not apply to candy bars, gum, or cigarettes; (3-15-22)

d. The name, city, street address, state, and telephone number of the local distributor or operator of such device. (3-15-22)

02. Units of Measurement. The units of measure used on such sign in the statement of quantity are the standard units as prescribed by the Idaho Weights and Measures Law and the rules of this chapter. (3-15-22)

401. 449. (RESERVED)

450. REGISTRATION OF SERVICEMEN AND SERVICE AGENCIES FOR COMMERCIAL WEIGHING AND MEASURING DEVICES.

01. Policy. It is the policy of the Director of the Department of Agriculture or the Director's duly authorized agent, hereinafter referred to as "Director," to accept voluntary registration of (a) an individual and (b) an agency that provides acceptable evidence that he or it is fully qualified to install, service, repair or recondition a commercial weighing or measuring device; has a thorough working knowledge of all appropriate weights and measures laws, orders, rules; and has possession of, or available for use, weights and measures standards and testing equipment appropriate in design and adequate in amount. (An employee of government shall not be eligible for registration). This policy in no way precludes or limits the right and privilege of any qualified individual or agency not registered with the Director to install, service, repair, or recondition a commercial weighing or measuring device. (3-15-22)

02. Reciprocity. The Director may enter into an informal reciprocal agreement with any other state or states that has or have similar voluntary registration policies. Under such agreement, the registered servicemen and the registered service agencies of the state's party to the reciprocal agreement are granted full reciprocal authority, including reciprocal recognition of certification of standards and testing equipment, in all states party to such agreement. (3-15-22)

03. Voluntary Registration. An individual or agency may apply for voluntary registration to service weighing devices or measuring devices on an application form supplied by the Director. Said form, duly signed and witnessed, must include certification by the applicant that the individual or agency is fully qualified to install, service, repair, or recondition whatever devices for the service of which competence is being registered; has in possession, or available for use, all necessary testing equipment and standards; and has full knowledge of all appropriate weights and measures laws, orders, rules and regulations. An applicant must also submit appropriate evidence or references as to qualifications. (3-15-22)

04. Certificate of Registration. Upon receipt and acceptance of a properly executed application form, the Director will issue to the applicant a "Certificate of Registration," including an assigned registration number, which will remain effective until either returned by the applicant or withdrawn by the Director. (3-15-22)

05. Privileges of a Voluntary Registrant. A bearer of a Certificate of Registration has the authority to remove an official rejection tag or mark placed on a weighing or measuring device by the authority of the Director; place in service, until such time as an official examination can be made, a weighing or measuring device that has been officially rejected; and place in service, until such time as an official examination can be made, a new or used weighing or measuring device. (3-15-22)

06. Placed in Service Report. The Director will furnish each registered serviceman and registered service agency with a supply of report forms to be known as "Placed in Service Reports." Such a form will be executed in triplicate, include the assigned registration number, and be signed by a registered serviceman or by a serviceman representing a registered agency for each rejected device restored to service and for each newly installed device placed in service. Within twenty-four (24) hours after a device is restored to service, or placed in service, the original of the properly executed Placed in Service Report, together with any official rejection tag removed from the device, must be mailed to the Director at The Idaho State Department of Agriculture, Bureau of Weights and Measures, 2216 Kellogg Lane, Boise, Idaho, 83712. The duplicate copy of the report must be handed to the owner or operator of the device, and the triplicate copy of the report must be retained by the registered serviceman or agency. Also, a copy of a test report on the form used by the Bureau of Weights and Measures or a form approved by the Bureau of Weights and Measures must be submitted to the Bureau of Weights and Measures, 2216 Kellogg Lane, Boise, Idaho, 83712, on livestock, vehicle and mono-rail scales. (3-15-22)

07. Standards and Testing Equipment. A registered serviceman and a registered service agency must submit, at least biennially, or as directed, to the Director, for his examination and certification, any standards and testing equipment that are used, or are to be used, in the performance of the service and testing functions with respect to weighing and measuring devices for which competence is registered. A registered serviceman or agency may not use in servicing commercial weighing or measuring devices any standards or testing equipment that have not been certified by the Director. (3-15-22)

08. Revocation of Certificate of Registration. The Director may, for good cause, after careful investigation and consideration, suspend or revoke a Certificate of Registration. (3-15-22)

09. Publication of Lists of Registered Servicemen and Registered Service Agencies. The Director will publish, from time to time as he deems appropriate, and may supply upon request, lists of Registered Servicemen and Registered Service Agencies. (3-15-22)

451.—499. (RESERVED)

500. BREAD.

Each loaf of bread kept, offered, or exposed for sale, whether or not the bread is packaged or sliced, must be sold by weight, as per Section 71-236 of Title 71, Chapter 2, Idaho Code. (3-15-22)

501.—599. (RESERVED)

600. SINGLE DRAFT VEHICLE WEIGHING.

A highway vehicle or a coupled highway vehicle or a coupled highway vehicle combination must be commercially weighed on a vehicle scale only as a single draft. That is, the total weight of such a vehicle or combination may not be determined by adding together the results obtained by separately and not simultaneously weighing each end of such vehicle or individual elements of such coupled combination. However: (3-15-22)

01. Coupled Combination. The weight of a coupled combination may be determined by uncoupling the various elements (tractor, semitrailer, trailer), weighing each unit separately as a single draft, and adding together the results. (3-15-22)

02. Vehicle. The weight of a vehicle or coupled vehicle combination may be determined by adding together the weights obtained while all individual elements are resting simultaneously on more than one (1) scale platform. (3-15-22)

601.—649. (RESERVED)

650. RULE FOR NATIONAL TYPE EVALUATION.

01. Application. This rule applies to all classes of devices and equipment as covered in the National Institute of Standards and Technology Handbooks 44, 105-1, 105-2, and 105-3. (3-15-22)

02. Certificate of Conformance. The Director may require any weight or measure, or any weighing or measuring instrument or device to be issued a Certificate of Conformance prior to use for commercial or law enforcement purposes. (3-15-22)

03. Participating Laboratory. The Director is authorized to operate a participating laboratory as part of the National Type Evaluation Program. (3-15-22)

651-101. -- 999. (RESERVED)

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.03.03 – RULES GOVERNING PESTICIDE AND CHEMIGATION USE AND APPLICATION

DOCKET NO. 02-0303-2501

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

LINK: LSO Rules Analysis Memo

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section [22-3421](#), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The agency has opened this chapter for rulemaking for the purposes of possible amendments related to applicator license terms and license categories. Specifically, the agency presented proposals for consideration including offering the option of a five-year license term, separating new license categories for potato cellar and wood preservation licenses, adding a new category for applicators using aerial unmanned drones, and lengthening the sunset provisions on commercial apprentices.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 56-72](#).

FEES SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

There were no changes to fees already included in the rule. The annual license fees were adjusted to a five-year fee at the same price per year to cover those five years.

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:

There is no fiscal impact due to the amendments of this rule.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Lloyd Knight, (208)332-8615.

DATED this 7th day of January, 2026.

Lloyd B. Knight
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, ID 83707
Phone: (208)332-8615
Email: Lloyd.knight@isda.idaho.gov

THE FOLLOWING NOTICE PUBLISHED WITH THE 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 22-3421](#), 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 15, 2025.

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:

The agency has opened this chapter for rulemaking for the purposes of possible amendments related to applicator license terms and license categories. Specifically, the agency presented proposals for consideration including offering the option of a five-year license term, separating new license categories for potato cellar and wood preservation licenses, adding a new category for applicators using aerial unmanned drones, and lengthening the sunset provisions on commercial apprentices.

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

There were no changes to fees already included in the rule. The annual license fees were adjusted to a five-year fee at the same price per year over those five years.

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:

There is no fiscal impact due to the amendments to this rule.

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 3, 2025 Idaho Administrative Bulletin, [Volume 25-7, p 36-37](#). Two rulemaking meetings were held on July 17 and July 29.

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:

No materials are incorporated by reference.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lloyd Knight, (208)332-8615.

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 October 22, 2025.

DATED this 1st day of October, 2025.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0303-2501

02.03.03 – RULES GOVERNING PESTICIDE AND CHEMIGATION USE AND APPLICATION

010. DEFINITIONS.

In addition to Section 22-3401, Idaho Code, the following are defined as:

(7-1-25)

01. Antimicrobial Pesticides. Substances or mixture of substances used to destroy or suppress the growth of harmful microorganisms such as bacteria, viruses, or fungi on inanimate objects and surfaces. (7-1-24)

02. Certification. Passing one (1) or more examinations, to initially demonstrate an applicant's competence, as required by the licensing provisions of this act, in order to use or distribute pesticides, or to act as a pesticide consultant. (7-1-24)

03. Chemigator. Any person engaged in the application of chemicals through any type of irrigation system. (7-1-24)

04. Hazard Area. Cities, towns, subdivisions, schools, hospitals, or densely populated areas. (7-1-24)

05. High Volatile Esters. Formulations of 2,4-D which contain methyl, ethyl, butyl, isopropyl, octylamyl and pentyl esters. (7-1-24)

06. Janitorial Services. Surface cleaning or surface sanitation operations that use pesticides. Janitorial services extend to households and buildings and may include, but are not limited to; bathroom, food storage/processing, food service, retail sales, office, maintenance, educational, government and other like facilities. (7-1-24)

07. Limited Supervision. The supervision of a professional commercial apprentice by a supervising applicator licensed in the categories necessary for the pesticide application. The supervising applicator is limited to supervision of two (2) professional commercial apprentice applicators at one (1) time and must maintain immediate communications (voice, radio, cellular telephone, or similar) with the supervised applicators for the duration of all pesticide applications. (7-1-24)

08. Low Volatile Esters. Formulations of 2,4-D; 2,4-DP; MCPA and MCPP which contain butoxyethanol, propylene glycol, tetrahydrofurfuryl, propylene glycol butyl ether, butoxy propyl, ethylhexyl and isoctyl esters. (7-1-24)

09. Mixer-Loader. Any person who works under the supervision of a professional applicator in the mixing and loading of pesticides to prepare for, but not actually make, applications. (7-1-24)

10. On-Site Supervision. A noncertified applicator may apply general use and restricted use pesticides under on-site supervision by a professional applicator with the required license categories. The supervising pesticide applicator must be physically at the site of application, must have visual contact with the pesticide applicator, and must be able to direct the actions of the noncertified pesticide applicator. For restricted use pesticide applications, the supervising applicator may not supervise more than two (2) noncertified pesticide applicators at one (1) time. (7-1-24)()

11. Pesticide Drift. Movement of pesticide dust or droplets through the air at the time of application or soon after, to any site other than the area intended. (7-1-24)

12. Recertification. The requalification of a certified person through seminar attendance over a set

period of time, or taking an examination at the end of a set period of time, to ensure that the person continues to meet the requirements of changing technology and maintains competence. (7-1-24)

13. Seminar. Any Department-approved meeting or activity convened for the purpose of presenting pesticide recertification information. (7-1-24)

14. Sprinkler Irrigation. Method of irrigation in which the water is sprayed, or sprinkled, through the air to the ground surface. (7-1-24)

15. Unmanned Aircraft System (UAS). Unmanned aircraft vehicle(s) and associated elements, including communication links and components that control the unmanned aircraft, that are required for the pilot in command to operate. ()

16. Unmanned Aircraft Vehicle (UAV). Any aircraft that is operated without the possibility of direct human intervention from within or on the aircraft. ()

157. Waters of the State. Any surface waters such as canals, ditches, laterals, lakes, streams, or rivers. (7-1-24)

011. -- 099. (RESERVED)

SUBCHAPTER A – LICENSING OF APPLICATORS AND DEALERS

100. PROFESSIONAL APPLICATOR LICENSING.

To obtain a professional applicator's license an applicant must: (7-1-24)

01. Submit Application. Submit an application prescribed by the Department with applicable fee (Section 280). (7-1-24)

02. Demonstrate Competence. (7-1-24)

a. All professional applicators must pass the Applicator Core Competency exam or competency training in addition to any other category. Professional applicators may only, make pesticide recommendations, or make pesticide applications for any purpose for which they have demonstrated competence. Competence is demonstrated by passing Department examinations and becoming licensed in categories described in Subsection 100.04. (7-1-25)()

b. In addition to written examination requirements for determining competency for Applicator Core Competency, the Idaho State Department of Agriculture (ISDA) or authorized agent, may employ additional methods for determining competency such as performance testing. ()

b.c. An applicant will demonstrate core competency in all standards outlined in **40 CFR 171.103(c).** (7-1-24)

03. Certification and Department Examination Procedures. Be certified by passing Department examinations with a minimum score of seventy percent (70%) in the applicable pesticide categories (Subsection 100.04). Examinations shall adhere to standards outlined in **40 CFR 171.103(a)(2).** In addition, examinations are: (7-1-24)

a. Proctored by ISDA staff or by an authorized agent following approved Department procedures. (7-1-24)

b. Retaken after a minimum waiting period of one (1) day. (7-1-24)

c. Scores valid for twelve (12) months from the date of the examination. (7-1-24)

d. It is prohibited to: (7-1-24)

- i. Attempt to cheat, or otherwise obtain an unfair advantage on the exam(s). (7-1-24)
- ii. Remove or attempt to remove any test questions or responses or any notes from a testing session. (7-1-24)
- iii. At any time, improperly access or attempt to improperly access the test site, the test (or any part of the test), an answer key, or any information about the test. (7-1-24)
- iv. Engage in any way in: (7-1-24)
 - (1) Theft or attempted theft of test content through platform intrusion. (7-1-24)
 - (2) Post-exam manipulation of test content, responses, or test administration data. (7-1-24)
 - (3) Attempting to adversely impact the exam proctor, test center, or testing platforms through any means including cybersecurity means. (7-1-24)
- v. Attempt to give or receive assistance, including by copying or through the use of an answer key. (7-1-24)
- vi. Record or copy information during the testing session including questions, answers, identifying information about the version or form of a test, or any other information that compromises the security of the test. (7-1-24)
- vii. Communicate with other test takers or other individuals in any form while testing is in session. (7-1-24)
- viii. Allow anyone to see your test questions or answers or attempt to see or copy others' test questions or answers. (7-1-24)
- ix. Consult notes, other people, electronic devices, textbooks, or any other resources during the test or during breaks. (7-1-24)
- x. Have subject-related information on your clothing, shoes, or body. (7-1-24)
- xi. Use or access any prohibited items including devices or aids such as, but not limited to, mobile phones, smartwatches, fitness trackers, other oral or written communication devices or wearable technology, cameras, notes, and reference books, etc., during or in connection with the test, including during breaks. (7-1-24)
- xii. Fail to turn in or store away a mobile/smartphone in accordance with the test site's collection process. (7-1-24)
- xiii. Use a prohibited calculator. (7-1-24)
- xiv. Deliberately attempt to and/or take the test for someone else or attempt to have someone else impersonate you to take the test. (7-1-24)

04. Categories. All professional applicators must be certified in Applicator Core Competency in one (1) or more of the following categories:

Category Name	Category Description
Applicator Core Competency (CO)	Includes general knowledge of pesticides including proper use and disposal, product characteristics, first aid, labeling and laws. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(c) . This category is required for all Idaho Professional Pesticide Applicator Licenses
Agricultural Crop Pest Control (AC)	This category applies to professional applicators who use or supervise the use of pesticides in production of agricultural commodities including grasslands, and non-crop agricultural lands. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(1)(i) .
Aerial Pest Control (AA)	For application of pesticides to all application sites by operating or flying manned fixed-wing or rotary aircraft. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(15) .
<u>Aerial UAS Pest Control (AU)</u>	<u>For application of pesticides by operating an unmanned aircraft system. In addition to certification in AU, one or more of the appropriate use categories is required. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(15).</u>
Anti-Fouling Coatings (FC)	For applicators who use or supervise the use of anti-fouling coatings to control fouling organisms on aquatic vessels, underwater structures, and other similar structures. An applicant will demonstrate practical knowledge of problems caused by fouling organisms, methods of control using fouling organisms using through anti-fouling coatings, characteristics of antifouling coatings, alternative active ingredients other than copper-based paints, and best management practices for application and removal of anti-fouling coatings.
Agricultural Livestock Pest Control (LP)	For professional applicators who use or supervise the use of pesticides on animals or to places on or in which animals are confined. Certification in this category alone is not sufficient to authorize the purchase, use, or supervision of use of products for predator control listed in the General Vertebrate category or outlined in 40 CFR 171.101(k)(i) . An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(1)(ii) .
Aquatic Weed and Pest Control (AP)	For professional applicators who use or supervise the use of any pesticide purposefully applied to standing or running water, excluding applicators engaged in public health related activities included in as specified in the Public Health (PH) category. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(5) .
Consultant and Research (CR)	For consultations or recommendations to supply technical advice concerning the use of agricultural pesticides and for the application or supervision of the use of restricted use pesticides (RUPs) for no compensation, to demonstrate the action of the pesticide or conduct research with restricted use pesticides. For all demonstration additional relevant professional applicator categories will be required. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(10) .
Forest Pest Control (FP)	For professional applicators who use or supervise the use of pesticides in forests, forest nurseries and forest seed production. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(2) .
General Vertebrate Control (GV)	For controlling vertebrate pests such as large and small predators, rodents, and birds by Wildlife Services (WS) personnel of the United States Department of Agriculture-Animal and Plant Health Inspection Service (APHIS). This category applies to professional applicators who use or supervise the use of sodium cyanide and sodium fluoroacetate to control regulated predators. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(11-12) .

Category Name	Category Description
Industrial, Institutional, and Structural Pest Control – Commodity (CP)	For professional applicators who use or supervise the use of pesticides on manufactured products or commodities in the following: Food handling establishments, packing houses, and food-processing facilities; and industrial establishments, including commodity storage facilities, grain elevators, and any other similar areas, public or private, for the protection of stored, processed, manufactured products, or commodities. Applicators must demonstrate a practical knowledge of pests associated with manufactured products or commodities, including recognizing those pests and signs of their presence, their habitats, their life cycles, biology, and behavior as it may be relevant to problem identification and control. Applicators must demonstrate practical knowledge of types of formulations appropriate for control of pests associated with manufactured products or commodities, and methods of application that avoid contamination of food, minimize damage to and contamination of areas treated, minimize acute and chronic exposure of people and pets, and minimize environmental impacts.
Industrial, Institutional, and Structural Pest Control – Non-Commodity (IP)	For professional applicators who use or supervise the use of pesticides in, on, or around the following: food handling establishments, packing houses, and food-processing facilities; human dwellings; cooling towers; air washers; evaporative condensers; swimming pools; pulp and paper mills; sewer treatment; residential and commercial building; institutions, such as schools, hospitals, and prisons; and industrial establishments, including manufacturing facilities, warehouses, and any other structures and adjacent areas, public or private, for the protection of health, dwellings, structures, and stored, processed, or manufactured products. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(7) .
Non-Soil Fumigation (NS)	For professional applicators who use or supervise the use of a pesticide to fumigate anything other than soil. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(14) .
Ornamental Pest (OP)	For professional applicators who use or supervise the use of pesticides to control pests in the maintenance and production of ornamental plants and turf. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(3) .
Potato Cellar (PC)	<u>For professional applicators who use or supervise the use of storage-enhancing pesticides in potato cellars. Applicators must demonstrate a practical knowledge of pests associated with stored commodities like potatoes or onions, including recognizing those pests and signs of their presence, their habitats, their life cycles, biology, and behavior as it may be relevant to problem identification and control. Applicators must demonstrate practical knowledge of types of formulations appropriate for controlling pests associated with stored potatoes or onions, and methods of applications that avoid or minimize damage to and contamination of areas treated, minimize acute and chronic exposure of people and pets, and minimize environmental impacts. Certification in Industrial, Institutional, and Structural Pest Control – Commodity (CP) category shall exempt the applicant from the need to certify in this category.</u>
Public Health Pest (PH)	For State, Tribal, Federal or other governmental employees and contractors who use or supervise the use of pesticides in government-sponsored public health programs for the management and control of pests having medical and public health importance. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(8) .

Category Name	Category Description
Regulatory Pest Control (RP)	For State, Tribal, Federal, or other local governmental employees and contractors who use or supervise the use of pesticides in government-sponsored programs for the control of regulated pests. Certification in this category does not authorize the purchase, use, or supervision of use of products for predator control pesticides listed in the General Vertebrate category or outlined in 40 CFR 171.101(k)(l). An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(9).
Right-of-Way <u>Herbicide Pest Control</u> (RW)	For professional applicators who use or supervise the use of pesticides in the maintenance of roadsides, powerlines, pipelines, and railway rights-of-way, and similar areas. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(6).
Seed Treatment (ST)	For professional applicators using or supervising the use of pesticides on seeds in seed treatment facilities. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(4).
Soil Fumigation (SF)	For applying soil fumigation pesticides to agricultural fields, plant nurseries, and other similar growing media for the growing of agricultural commodities, excluding rodent control. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(13).
<u>Wood Preservative (WP)</u>	<u>For professional applicators who use or supervise the use of wood preservative pesticides in wood commodities or structures. Certification in this category does not authorize the purchase, use, or supervision of use for fumigation products. Applicators must demonstrate a practical knowledge of pests associated with wood preservation, including recognizing those pests and signs of their presence, their habitats, their life cycles, biology, and behavior as it may be relevant to problem identification and control. Applicators must demonstrate practical knowledge of types of formulations appropriate for control of pests associated with wood preservation, and methods of application that avoid contamination of food, minimize damage to and contamination of areas treated, minimize acute and chronic exposure of people and pets, and minimize environmental impacts. Certification in Industrial, Institutional, and Structural Pest Control – Commodity (CP); or Industrial, Institutional, and Structural Pest Control – Non-Commodity (IP) categories shall exempt the applicant from the need to certify in this category.</u>

(7-1-25) ()

a. Professional Commercial Apprentice License. For conducting General Use Pesticide (GUP) applications only in situations applicable to the CP, OP, AC, IP, and RW all categories with the exception of AA, AU, NS, and SF. To obtain a professional commercial apprentice license the applicant must pass the Applicator Core Competency exam with a minimum score of seventy percent (70%) or better, and meet the requirements as outlined in Section 100. Persons with this license may only perform pesticide applications under limited supervision of a properly certified professional applicator. Applicators with this license cannot supervise other pesticide applicators. The professional commercial apprentice license may not be reciprocated with other participating agencies. This license will expire one two (42) years from the date of issuance. The Applicator Core Competency exam score for persons issued a professional commercial apprentice license will be valid for the apprentice licensing period. The professional commercial apprentice license is non-renewable.

(7-1-25) ()

b. Professional applicators who engage in janitorial services and use pesticides for cleaning, surface sanitation, and similar activities using general use pesticides with the labeled signal words Warning or Caution, are exempt from professional applicator licensing requirements as outlined in Sections 22-3404 (2)(3)(4), Idaho Code.

(7-1-24)

05. **Financial Responsibility.** Submits written proof of financial responsibility by any of the following methods:

(7-1-24)

- a. Liability insurance with an insurance company licensed to do business in Idaho and documented on a form approved by the Director; (7-1-24)
- b. A bond that is approved by the Director; (7-1-24)
- c. A cash certificate of deposit in escrow with a bank or trust company; (7-1-24)
- d. An annuity issued by an insurance company, bank or other financial institution found acceptable to the Director; (7-1-24)
- e. An irrevocable letter of credit issued by a national bank in Idaho or by an Idaho state-chartered bank insured by the federal deposit insurance corporation. (7-1-24)
- f. Any certificate of deposit, annuity, or irrevocable letter of credit must be payable to the Director as trustee and remain on file with the Department until it is released, canceled or discharged by the Director. Any certificate of deposit, annuity, or irrevocable letter of credit must maintain a cash value equal to the requirements of Subsection 100.05.h., less any penalty for early withdrawal. Accrued interest upon a certificate of deposit or annuity shall be payable to the purchaser of the certificate or annuity. (7-1-24)
- g. Exclusions. Any exclusion to liability insurance, bond, cash certificate of deposit, annuity or irrevocable letter of credit coverage shall be listed on a form approved by the Director. (7-1-24)
- h. Minimum Coverage Required. (7-1-24)
 - i. Bodily injury - fifty thousand dollars (\$50,000) per person/one hundred thousand dollars (\$100,000) per occurrence. (7-1-24)
 - ii. Property damage - fifty thousand dollars (\$50,000) per occurrence. (7-1-24)
 - iii. Maximum deductible - five thousand dollars (\$5,000). (7-1-24)
- i. Target Property Not Required to Be Covered. The immediate property being treated is not required to be covered. (7-1-24)
- j. Cancellation or Reduction. The applicator must notify the Department in writing immediately after cancellation or reduction below the requirements of the financial coverage. (7-1-25)

06. Licensing Periods and Recertification. The recertification period for professional applicators will be concurrent with their two (2) year licensing period, beginning at the license issuance, and ending upon license expiration. For a professional applicator's license to be renewed, the license holder must complete the recertification provisions of this section. Licenses belonging to professional applicators with last names beginning with A through L, expire on December 31st in every odd-numbered year, and licenses belonging to professional applicators with last names beginning with M through Z, expire on December 31st in every even-numbered year. The apprentice license may not be recertified and will expire one year from the date that it was issued. Recertification requirements may be accomplished by complying with either Subsection 100.06.a. or 100.06.b. Any professional applicator with less than thirteen (13) months in the licensing period is not required to obtain recertification credits during the initial licensing period. Any license holder who fails to accumulate the required recertification credits prior to the expiration date of their license will be required to pass the appropriate examination(s) before being licensed. The certification period and licensing term for professional applicators will be a five (5) year period. The five-year recertification period will begin on the next January 1 following the date the license is initially obtained and will expire on December 31 of the fifth year. To recertify and renew a licensing term, professional applicators must complete the recertification provisions of this section. Any license holder who fails to meet required recertification credits before the license expiration will be required to retake and pass the applicable exam(s) prior to recertifying and renewing a license. (7-1-24) ()

- a. Continuing Education: To recertify, an applicator must accumulate sixteen forty (1640)

recertification credits during their recertification period, by attending Department-accredited pesticide seminars which meet the following criteria: (7-1-24)

i. One (1) credit is issued for each fifty (50) minutes of instruction. (7-1-24)

ii. To request accreditation for a seminar not provided by the Department, an applicant must submit a written request to the Department. Applications received prior to more than thirty (30) days prior to the seminar shall receive preference for credit approval and have the ability to amend their application until the seminar is held. Applications received after less than thirty (30) days prior to the seminar shall be reviewed by the Department as time and workload allows. (7-1-25)()

iii. The number of credits to be given will be decided by the Department and may be revised if it is later found that the training does not comply. Credit is given only for those parts of seminars that deal with pesticide subjects as listed in Subsection 100.02.b. No credit will be given for training given to persons to prepare them for initial certification. (7-1-24)

iv. Verification of attendance at a seminar is accomplished by validating the attendee's pesticide license, using a method approved by the Department. Verification of attendance must be submitted with the license renewal application. (7-1-24)

v. Excess credits may not be carried over to the next recertification period. (7-1-24)

vi. Upon completing all licensing requirements for recertification, the license holder is recertified for the next licensing period. Licenses may be renewed up to twelve (12) months after the expiration date of the license. (7-1-25)

b. Recertification by Examination: A certified applicator who passes the Department's Applicator Core Competency (CO) examination plus examinations for all categories in which intend to license. (7-1-24)

i. Recertification examinations may be taken by a professional applicator beginning the thirteenth month of the re up to twelve (12) months prior to the renewal of the certification period. (7-1-24)()

ii. The examination procedures as outlined in Subsection 100.03 will be followed. (7-1-24)

c. The Department may grant variances in the recertification of professional applicators' and dealers' licenses. Issuance of variances will not relieve the recipient from compliance with all other responsibilities under the Pesticide and Chemigation Act and Rules. The request will be on a Department-prescribed form and state fully the grounds for requesting a variance. (7-1-24)

d. Licenses are eligible for renewal no sooner than forty-five (45) days from the expiration date. (7-1-24)

(BREAK IN CONTINUITY OF SECTIONS)

150. PRIVATE APPLICATOR LICENSING.

To obtain a private applicator's license, an applicant must: (7-1-24)

01. **Submit Application.** Submit an application prescribed by the Department with applicable fee(s) (Section 250); (7-1-24)

02. **Demonstrate Competence.** (7-1-24)

a. Private applicators may only make pesticide applications using RUP's in categories for which they have demonstrated competency by passing a Department examination based on a US EPA approved Core/Private Applicator manual. The examination must follow the procedures outlined in Subsection 100.03. (7-1-25)

b. In addition to written examination requirements for determining competency for Private Applicator license, the ISDA or authorized agent, may employ additional methods for determining competency such as performance testing. (7-1-24)

b.c. An applicant will demonstrate competency in all standards outlined in **40 CFR 171.105(a)**. Demonstrate competence as outlined for Professional Applicators (Subsection 100.01). (7-1-24)

03. Categories. Private applicators must be certified in the Private Applicator category as a prerequisite to all other private applicator license categories:

Category Name	Category Description
Private Applicator (PA)	For use or supervision of restricted use pesticides to produce agricultural commodities on land owned or operated by applicator or applicator's employer. Certification in this category alone is not sufficient to authorize the purchase, use, or supervision of use of products for predator control listed in the predator control categories outlined in 40 CFR 171.105(b)(c) . PA is prerequisite for all Idaho Private Applicator license categories. An applicant will demonstrate competency standards outlined in 40 CFR 171.105(a) .
Aerial Pest Control (AA)	For application of pesticides to all sites owned or operated by an applicator or applicator's employer by operating or flying <u>manned</u> fixed-wing or rotary aircraft. An applicant will demonstrate competency standards outlined in 40 CFR 171.105(f) .
<u>Aerial UAS Pest Control (AU)</u>	<u>For application of pesticides by operating an unmanned aircraft system. An applicant will demonstrate competency standards outlined in 40 CFR 171.105(f).</u>
Non-Soil Fumigation (NS)	For applicators who use or supervise the use of a pesticide to fumigate anything other than soil. An applicant will demonstrate competency standards outlined in 40 CFR 171.105(e) .
Soil Fumigation (SF)	For applying soil fumigation pesticides to agricultural fields, plant nurseries, and other similar growing media on land owned or operated by applicator or applicator's employer for the growing of agricultural commodities, excluding rodent control. An applicant will demonstrate competency standards outlined in 40 CFR 171.105(d) .

(7-1-25)(7-1-24)

04. License Periods and Recertification. The recertification period for private applicator will be concurrent with their two (2) year licensing period, beginning at the license issuance, and ending upon license expiration. Licenses belonging to private applicators with last names beginning with A through L, expire on the last day of the month listed on the chart in Subsection 150.03.a. in every odd-numbered year, and licenses belonging to private applicators with last names beginning with M through Z, shall expire on the last day of the month listed on the chart in Subsection 150.03.a., in every even-numbered year. Recertification and relicensing may be accomplished by complying with either Subsection 150.03.b. or 150.03.e. Any person with less than thirteen (13) months in the initial licensing period is not required to obtain recertification credits for the initial period. Any license holder who fails to accumulate the required recertification credits prior to the expiration date of their license will be required to pass the appropriate examination(s) before being licensed. The certification period and licensing term for private applicators will be a five (5) year period. The five-year recertification period will begin on the next April 1 following the date the license is initially obtained and will expire on March 31 of the fifth year. To recertify and renew a licensing term, private applicators must complete the recertification provisions of this section. Any license holder who fails to meet required recertification credits before the license expiration will be required to retake and pass the applicable exam(s) prior to recertifying and renewing a license. (7-1-24)

a. Licensing schedule:

Last Name		Month to License
Odd Year	Even Year	
A-B	M-P	March
E-H	Q-T	July
I-Z	U-Z	October

(7-1-24)

b.a. Continuing Education: To recertify, an applicator must accumulate seven fifteen (715) credits during their recertification period by attending Department-accredited pesticide seminars which meet the following criteria; (7-1-24)()

i. One (1) credit is issued for each fifty (50) minutes of instruction. (7-1-24)

ii. To request accreditation for a seminar not provided by the Department, an applicant must submit a written request to the Department. Applications received prior to thirty (30) days shall receive preference for credit approval and have the ability to amend their application until the seminar is held. Applications received after the thirty (30) days shall be reviewed by the Department as workload allows. (7-1-25)

iii. The number of credits to be given will be decided by the Department and may be revised if it is later found that the training does not comply. Credit is given only for those parts of seminars that deal with pesticide subjects as listed in [40 CFR 171.105\(a\)](#). No credit will be given for training given to persons to prepare them for initial certification. (7-1-25)

iv. Verification of attendance at an accredited seminar is accomplished by validating the attendee's pesticide license using a method approved by the Department. Verification of attendance must be submitted with the license renewal application. (7-1-24)

v. Excess credits may not be carried over to the next recertification period. (7-1-24)

vi. Upon completing all licensing requirements for recertification, the license holder is recertified for the next licensing period. Licenses may be renewed up to twelve (12) months after the expiration date of the license. (7-1-25)

b.b. Recertification by Examination: A certified applicator passes the Department's private applicator examination(s) for all categories in which they intend to license. (7-1-24)

i. Examinations may be taken beginning the thirteenth (13th) month of the license period within twelve (12) months prior to renewal of the certification period. (7-1-24)()

ii. The examination procedures as outlined in Subsection 100.03 will be followed. (7-1-24)

iii. Upon passing the examinations, a person is eligible for license renewal for the next licensing period. For the purpose of becoming licensed, examination scores are valid for twelve (12) months after the date of the examination. (7-1-24)

b.c. The Department may issue variances for the requirements delineated in Subsection 150.03 in the recertification of private applicators' licenses. Issuance of variances do not relieve the recipient from compliance with all other responsibilities under the Pesticide and Chemigation Act and Rules. The request will be on a Department-prescribed form and state fully the grounds for requesting a variance. (7-1-24)

b.d. Licenses are eligible for renewal no sooner than forty-five (45) days from the expiration date. (7-1-24)

151. CHEMIGATOR LICENSING.

01. Chemigator License Required. Anyone wishing to chemigate shall apply for a license to perform chemigation per the process outlined in this section. Additional category certifications may be required. (7-1-25)

02. Applying for a Chemigator License. Prior to chemigating a person must: (7-1-25)

a. Submit an application prescribed by the Department with applicable fees, and (7-1-25)

b. Demonstrate competency through one of the following methods: (7-1-25)

i. Complete a Department approved chemigation training within twelve (12) months of submitting the application. Chemigation trainings for licensure must be a minimum of one (1) hour and at a minimum address the following content: (7-1-25)

(1) Backflow prevention devices, methods, and injection types; (7-1-25)

(2) The mitigation of potential risks associated with chemigation; (7-1-25)

(3) Pesticide label requirements for chemigation; (7-1-25)

(4) Identification of approved chemigation equipment; or (7-1-25)

ii. Pass the Chemigation examination with a minimum score of seventy percent (70%). Examination scores are valid for twelve (12) months after the date of the examination. The examination must follow the procedures outlined in Subsection 100.03; or (7-1-25)

iii. Verify compliance through another Department approved method. (7-1-25)

03. License Periods. ~~The licensing period will begin at license issuance and end upon license expiration. License periods will follow the schedule outlined in Subsection 150.03.a. of this rule. Any person with less than thirteen (13) months in the initial licensing period is not required to test or attend chemigation training for the initial period. The certification period and licensing term for chemigation applicators will be a five (5) year period. The five-year recertification period will begin on the next April 1 following the date the license is initially obtained and will expire on March 31 of the fifth year. To recertify and renew a licensing term, chemigation applicators must complete recertification outlined in the competency requirements of this section.~~ (7-1-25)()

152. -- 199. (RESERVED)

200. PESTICIDE DEALER LICENSING.

To obtain a pesticide dealer's license, an applicant must: (7-1-24)

01. Submit Application. Submit an application prescribed by the Department with applicable fee(s) (Section 280); (7-1-24)

a. Must hold a valid license with the appropriate professional category(s) listed in Subsection 100.04 that pertains to the types of restricted use pesticides sold or distributed. (7-1-24)

b. ~~Be renewed after August 31 on even numbered years for a twenty-four (24) month duration. Dealer License terms will match with Professional Applicator Licensing terms found in Subsection 100.06.~~ (7-1-24)()

c. Licenses are eligible for renewal no sooner than forty-five (45) days from the expiration date. (7-1-24)

02. Selling GUPs. Persons selling GUPs will not be required to obtain a pesticide dealer license or maintain distribution records of these products. (7-1-24)

(BREAK IN CONTINUITY OF SECTIONS)

SUBCHAPTER B – FEES

280. FEES.

01. **Pesticide Registration.** One hundred sixty dollars (\$160) per product. (7-1-24)
02. **Professional Applicator's License.** ~~One hundred twenty dollars (\$120) per licensing period of greater than thirteen (13) months or more, sixty dollars (\$60) per licensing period of thirteen (13) months or less~~ Three hundred dollars (\$300). (7-1-25)()
03. **Commercial Apprentice (CA) Applicator's License.** ~~Sixty~~ One hundred twenty dollars (\$~~60~~120) per licensing period of twelve (12) months or less. (7-1-24)()
04. **Private Applicator's License.** ~~Ten~~ Twenty-five dollars (\$~~10~~25); a Chemigation Category, twenty dollars (\$20); or thirty dollars (\$30) for both categories. (7-1-24)()
05. **A Chemigation License.** ~~Twenty~~ Fifty dollars (\$~~20~~50). (7-1-25)()
06. **Pesticide Dealer's License.** ~~One~~ Two hundred ~~fifty~~ dollars (\$~~100~~250) per licensing period of greater than thirteen (13) months or more, fifty dollars (\$50) per licensing period of thirteen (13) months or less per 5-year licensing period. For initial licenses of less than 5 years, a proration of fifty dollars per year to align with valid professional licensing period. (7-1-25)()
07. **Examination Fee per Examination Category.** Ten dollars (\$10). (7-1-24)

(BREAK IN CONTINUITY OF SECTIONS)

400. PESTICIDE RESTRICTIONS.

01. **Application of Restricted Use Pesticides by Noncertified Applicators.** A noncertified applicator may apply restricted use pesticides (RUPs) under on-site supervision by a professional applicator with the required license categories of the application being supervised if: (7-1-24)

- a. Noncertified applicator has completed the following training within twelve (12) months prior to application: (7-1-24)
 - i. EPA approved Worker Protection Standard (WPS) certification for pesticide handler training or equivalent. (7-1-24)
 - ii. The safe operation of any equipment they will use for mixing, loading, transferring, or applying pesticides. (7-1-24)
- b. The noncertified application of any pesticide is prohibited for: (7-1-24)
 - i. Soil or non-soil fumigation; (7-1-24)
 - ii. Aerial application. (7-1-24)
- iii. Professional applications conducted by a person under eighteen (18) years of age. (7-1-24)

c. Maintain noncertified applicator training records for three (3) years, ready to be inspected, duplicated, or submitted when requested by the Director. Such records shall contain: (7-1-24)

- i. Noncertified applicator's printed name and signature. (7-1-24)
- ii. Date of training. (7-1-24)
- iii. Full name of the person who provided the training. (7-1-24)
- iv. Trainer's qualification to conduct training. (7-1-24)
- v. Title or a description of the training provided. (7-1-24)
- vi. If the noncertified applicator is a licensed applicator who is not certified to perform the type of application being conducted while under on-site supervision by a professional applicator, the record must include all of the following information: (7-1-24)
 - (1) Noncertified applicator's name. (7-1-24)
 - (2) Noncertified applicator's license number. (7-1-24)
 - (3) Expiration date of the noncertified applicator's license. (7-1-24)
 - (4) Certifying authority that issued the license. (7-1-24)

d. Requirements for supervisors of noncertified applicators of RUPs under on-site supervision. A certified applicator must ensure that all the following requirements are met before allowing a noncertified applicator to use a restricted use pesticide under their on-site supervision: (7-1-24)

- i. The noncertified applicator must have access to the applicable product labeling at all times during its use. (7-1-24)
- ii. Where the labeling of pesticide product requires that personal protective equipment be worn for mixing, loading, application, or any other use activities, the noncertified application has been provided clean, label required personal protective equipment in proper operating condition and the personal protective equipment is used correctly. (7-1-24)
- iii. The certified applicator must provide to each noncertified applicator before use of a restricted use pesticide instructions specific to the site and pesticide used. These instructions must include labeling directions, precautions, and requirements applicable to the specific use and site, and how the characteristics of the use site and the conditions of application might increase or decrease the risk of adverse effects. (7-1-24)
- iv. The certified applicator must ensure that before each day of use equipment used for mixing, loading, transferring, or applying pesticides is in proper operating condition as intended by the manufacturer, and can be used without risk of reasonably foreseeable adverse effects to the noncertified applicator, other persons, or the environment. (7-1-24)
- v. The certified applicator must ensure that a means to immediately communicate with the certified applicator is available to each noncertified applicator using restricted use pesticides under their direct supervision. (7-1-24)
- vi. The certified applicator must be physically present at the site of the use being supervised. (7-1-24)
- vii. The certified applicator must create or verify the existence of the records required by Subsection 400.01.c. of this rule. (7-1-24)

02. Application of General Use Pesticides by Noncertified Applicators. A Professional Commercial

Apprentice applicator may apply general use pesticides (GUPs) under CP, OP, AC, IP, and RW all categories, with the exception of AA, AU, NS, and SF, with limited supervision by a professional applicator that has the required license categories of the application being supervised if: (7-1-25) ()

a. All of the following conditions are met: (7-1-24)

i. The Professional Commercial Apprentice applicator has a valid license. (7-1-24)

ii. Immediate communication requirements exist between the supervising professional applicator and the Professional Commercial Apprentice applicator. (7-1-24)

iii. Companies employing Commercial Apprentice applicators must have one (1) or more Professional Applicators identified as actively apprenticing. A Professional Applicator is prohibited from apprenticing more than two (2) Commercial Apprentices at any given time. ()

iv. Commercial Apprentices must identify the name and license number of the certified Professional Applicator under which they are apprenticing on the application for licensure. Changes in the supervising Professional Applicator are subject to notification requirements of Section 250. ()

v. Companies must maintain a record of the current roster of all licensed applicators identifying that each Professional Applicator is not supervising more than two (2) Commercial Apprentices. This record shall be made available to the ISDA upon request. ()

b. Applications of RUPs are prohibited under the Professional Commercial Apprentice license. (7-1-24)

03. Mixer-Loaders. No person will act as a mixer-loader for a professional applicator without first obtaining annual training. (7-1-24)

a. Training will be conducted and certified by the professional applicator who employs the mixer-loader. Training recordkeeping requirements for mixer-loaders shall be the same as for noncertified applicators of restricted use pesticides under on-site supervision (see Subsection 400.01.c. of this rule.) (7-1-24)

b. Training requirements shall be the same as for noncertified applicators of restricted use pesticides under on-site supervision (see Subsection 400.01a. of this rule.) (7-1-24)

04. Non-Domestic Pesticides Restrictions. (7-1-24)

a. Home and Garden Restrictions. The following pesticides are to be registered only when labeled, distributed, sold or held for sale and use other than home and garden use and are not be sold to home and garden users or applied by professional applicators around any home or garden. (7-1-24)

i. Bidrin (Foliar applications). (7-1-24)

ii. Strychnine (one percent (1%) and above). (7-1-24)

iii. Zinc Phosphide (two point one percent (2.1%) and above). (7-1-24)

b. Ester Restriction. Low volatile liquid ester formulations of herbicides shall not be applied around any home or garden at any time when ambient air temperature exceeds or is forecasted to exceed eighty (80) degrees Fahrenheit during the day of application. (7-1-24)

05. Restrictions to Protect Pollinators. (7-1-24)

a. Bee Restrictions. Any pesticide that is toxic to bees shall not be applied to any agricultural crop when such crop is in bloom or when bees are actively foraging on blooming weeds in the crop being sprayed except during the period beginning three (3) hours before sunset until three (3) hours after sunrise. (7-1-24)

b. Green Pea Exception. In the counties of Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone: Green (white) pea crops may be sprayed or dusted at any time. (7-1-24)

c. Other Exceptions. Pesticides may be applied at any time to sweet corn for processing, hops, potatoes, and beans other than lima beans, subject to all other applicable regulations. (7-1-24)

06. Deviations from Pesticide Labels and Labeling. Any licensed professional or private applicator may deviate from pesticide label directions for use only as EPA or state laws, rules, and regulations permit. (7-1-24)

07. Wind Velocity Restrictions. No person will apply pesticides in sustained wind speeds that exceed the product label directions. If a pesticide label does not state a specific wind speed limitation, pesticides will not be applied in sustained wind conditions exceeding ten (10) miles per hour. (7-1-24)

a. Exceptions. Application of pesticides by injection into application site or by impregnated granules shall be made according to label directions. (7-1-24)

b. Approval for Use of Other Application Techniques. Other pesticide application techniques or methods may be approved by the Director or his agent on a case-by-case basis. (7-1-24)

c. Chemigation Wind Speed Precautions. Chemicals shall not be applied when wind speed favors drift beyond the area intended for treatment or when chemical label restricts the use of a pesticide for wind speed. (7-1-24)

08. Phenoxy Herbicide Restrictions. (7-1-24)

a. High Volatile Ester Restrictions. No aircraft pilot will apply high volatile ester formulations of 2,4-D: (7-1-24)

i. In Latah, Nez Perce, and Clearwater Counties in Idaho; or (7-1-24)

ii. Within five (5) miles of a susceptible crop or hazard area in any other county in Idaho. (7-1-24)

iii. Waiver of the restriction in Subsections 400.08.a.i. and 400.08.a.ii. may be issued on a project-by-project basis by the Director. (7-1-24)

b. Low Volatile Ester Restrictions. No aircraft pilot will apply low volatile ester formulations of 2,4-D; MCPA and MCPB: (7-1-24)

i. In Latah, Nez Perce, and Clearwater Counties in Idaho, unless ambient air temperatures are not above or expected to exceed eighty-five (85) degrees Fahrenheit within twenty-four (24) hours of the expected application time, or (7-1-24)

ii. Within one (1) mile of a hazard area in any other county in Idaho. (7-1-24)

iii. Waiver of the restriction in Subsection 400.08.b.i. may be issued on a project-by-project basis by the Director. (7-1-24)

c. A continuous smoke column or other device satisfactory to the Director will be employed to indicate to the pilot of any aircraft the direction and velocity of the airflow, and indicate a temperature inversion by layering of smoke, at the time and place of application when applying any formulation of 2,4-D; MCPA; MCPB and Dicamba. (7-1-24)

09. Pesticide-Fertilizer Mix Restrictions. No person will distribute, sell, offer for sale, or hold for sale any dry pesticide incorporated in a dry blended bulk fertilizer mix. (7-1-24)

10. Pesticide Drift Prohibitions. The application of pesticides that results in drift outside of the target

area is prohibited. (7-1-24)

401. UNMANNED AIRCRAFT SYSTEMS.

01. Unmanned Aircraft Vehicle (UAV); Unmanned Aircraft System (UAS). This section applies to all pesticide applications conducted using unmanned aircraft vehicles/systems. ()

a. It is prohibited to apply any pesticide by UAS without first obtaining an applicator license with the AU category. ()

b. A person piloting or operating UAS is considered the applicator. ()

c. The licensed pesticide applicator must be on site during the application. ()

d. UAS applications are subject to all other aerial application requirements of this rule. ()

e. All UAS operations for pesticide application must also comply with other applicable state or federal regulations, such as any requirements and certifications issued by the Federal Aviation Administration (FAA). ()

4042. -- 449. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

SUBCHAPTER D – CHEMIGATION

600. GENERAL CHEMIGATION REQUIREMENTS.

01. Pesticides Labeled for Chemigation. The chemigator will use only pesticides labeled for chemigation when chemigating. (7-1-24)

02. Monitoring Chemigation. Licensed professional applicators that start the application of chemicals through chemigation equipment do not have to be present during the entire application, but must return to monitor the proper application at least once every four (4) hours for the duration of the application. (7-1-24)

03. Chemigation Equipment Standards. Equipment will be placed on the Department's list of approved chemigation equipment after the manufacturers provide to the Department verification that the equipment meets the standards in the Department's chemigation protocol. Prior to chemigating, all chemigation systems must meet the requirements outlined in the Department's chemigation protocol. Chemigation system requirements are defined by the Department's chemigation system requirements protocol and the standards established in these rules. (7-1-25)

04. Chemigating Over Waters of the State. Shall be prohibited, except for variances allowed in Section 700 the Department's chemigation protocol. (7-1-24)()

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.04.20 – RULES GOVERNING BRUCELLOSIS
DOCKET NO. 02-0420-2501 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo and Incorporation By Reference Synopsis \(IBRS\)](#)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224](#)(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections [25-203](#) and [25-601](#), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

These rules are being presented for approval as part of the ISDA's plan to review each rule every 5 years. Amendments were identified by the agency and presented to stakeholders and are consistent with the Governor's Zero-Based Regulation Executive Order. Negotiated rulemaking meetings were held on June 17 and July 15 with broad stakeholder participation.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 73-90](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

There are no fees associated with this rule.

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:

There is no fiscal impact due to this administrative rule.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Lloyd Knight, (208)332-8615.

DATED this 7th day of January, 2025.

Lloyd B. Knight
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, ID 83707
Phone: (208)332-8615
Email: Lloyd.knight@isda.idaho.gov

THE FOLLOWING NOTICE PUBLISHED WITH THE 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 25-203](#) and [25-601](#), 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 15, 2025.

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:

These rules are being presented for approval as part of the ISDA's plan to review each rule every 5 years. Amendments were identified by the agency and presented to stakeholders and are consistent with the Governor's [Zero-based Regulation Executive Order](#). Negotiated rulemaking meetings were held on June 17 and July 15 with broad stakeholder participation.

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

There are no fees associated with this rule.

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:

There is no fiscal impact due to this administrative rule.

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 May 7, 2025 Idaho Administrative Bulletin, [Volume 25-5, p 29-30](#).

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:

All three sets of Uniform Methods and Rules (April 1998, September 2003, and October 2003) and CFR Title 9 are referenced since this rule must follow federal regulations as this is a federally mandated program. These documents reference the federal government policies and procedures.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lloyd Knight, (208)332-8615.

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 October 22, 2025.

DATED this 1st day of October, 2025.

THE FOLLOWING IS THE TEXT OF ZBR DOCKET NO. 02-0420-2501

02.04.20 – RULES GOVERNING BRUCELLOSIS

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 25-203, 25-601, and 25-3520, Idaho Code. (3-31-22)()

001. ~~TITLE AND SCOPE.~~

01. **~~Title.~~** The title of this chapter is “Rules Governing Brucellosis.” (3-31-22)

02. **~~Scope.~~** These rules govern prevention, surveillance, diagnosis, control, management and eradication of brucellosis in the state of Idaho. (3-31-22)()

002. – 003. (RESERVED)

004. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference and copies of these documents may be obtained from the Idaho State Department of Agriculture (ISDA) Central Office and the State Law Library: (3-31-22)()

01. **~~The October 1, 2003 Edition of the Brucellosis Eradication Uniform Methods and Rules.~~** (3-31-22)

02. **~~The September 30, 2003 Edition of the Brucellosis in Cervidae: Uniform Methods and Rules.~~** (3-31-22)

03. **~~The April 1998 Edition of the Swine Brucellosis Control/Eradication: State-Federal-Industry Uniform Methods and Rules.~~** (3-31-22)

04. **~~The Code of Federal Regulations Title 9, Parts 71, 78, and 161, January 1, 2005.~~** This document can be viewed online at http://www.access.gpo.gov/nara/cfr/waisidx_00/9cfrv1_00.html. (3-31-22)

005. -- 009. (RESERVED)

010. DEFINITIONS.

The following definitions apply in the interpretation and enforcement of this chapter. (3-31-22)

01. **~~Accredited Veterinarian.~~** A veterinarian approved by the Administrator and USDA/APHIS/VS in accordance with provisions of Title 9, Part 161, Code of Federal Regulations to perform functions of State-Federal animal disease control programs. (3-31-22)

02. **~~Approved Brucella Vaccine.~~** A vaccine product that is approved by and produced under license of the USDA for administration to cattle, domestic bison, swine or domestic cervidae for the purpose of enhancing the resistance to brucellosis. (3-31-22)

031. **~~Approved Feedlot.~~** A feedlot approved by the ISDA Administrator of the Division of Animal Industries (Administrator) to feed female cattle and domestic bison, which have not been officially vaccinated against brucellosis. (3-31-22)()

04. ***Brucellosis***. An infectious disease of animals and humans caused by bacteria of the genus *Brucella*. (3-31-22)

05. ***Brucellosis Emergency***. The declaration of an animal health emergency by the director as the result of the diagnosis of *brucellosis* in cattle, domestic bison, swine or domestic cervidae in the state of Idaho or in areas outside the state that could result in transmission of *brucellosis* to Idaho cattle, domestic bison, swine, or domestic cervidae. (3-31-22)

062. ***Brucellosis Herd Management Plan***. A written document outlining management practices a livestock producer will take to minimize the exposure of cattle or domestic bison to brucellosis. The herd management plan shall be valid when signed by the owner and the State Veterinarian or his designee. (3-31-22)

073. ***Cattle***. All bovidae, including domestic bison, owned by a person. (3-31-22)()

084. ***Commuter Herd***. A herd of cattle or domestic bison that moves from Idaho to another state pursuant to the provisions of IDAPA 02.04.21, "Rules Governing the Importation of Animals," Section 220. (3-31-22)()

095. ***Designated Surveillance Area (DSA)***. An area of Idaho, as ordered by the director or his designee, where brucellosis positive wildlife are known or believed to exist and where commingling of wildlife and livestock may lead to transmission of brucellosis from wildlife to livestock. (3-31-22)()

10. ***Domestic Bison***. All animals in the genus *Bison* that are owned by a person. (3-31-22)

1106. ***Domestic Cervidae***. Elk, fallow deer and reindeer that are owned by a person. (3-31-22)

1207. ***Exposed***. Animals that have had contact with other animals, herds, or materials that have been determined to be infected with or affected by *Brucella*. (3-31-22)

13. ***Federal Animal Health Official***. An employee of USDA, APHIS, VS who is authorized to perform animal health activities. (3-31-22)

1408. ***Infected Animals or Herds***. Animals that are classified as reactors by the designated *brucellosis* epidemiologist or herds that contain one or more reactor animals. (3-31-22)

15. ***Negative***. Cattle, domestic bison, swine or domestic cervidae are classified negative: (3-31-22)

a. When their blood serum has been subjected to official serological tests and the test results fail to disclose evidence of *Brucella* infection; and (3-31-22)

b. If blood, milk or tissues are subjected to bacteriological methods for cultivating field strain *Brucella* and none are recovered. An animal is classified as negative when all tests that are performed fail to disclose evidence of *brucellosis*. (3-31-22)

1609. ***Official Identification***. The unique individual electronic identification of cattle, domestic bison, swine, or domestic cervidae in accordance with these rules. (3-31-22)()

170. ***Official Vaccinate***. A bovine or domestic bison female that was inoculated, in accordance with these rules and the *Brucellosis Eradication UM&R Uniform Methods and Rules (UM&R)*, with an approved *Brucella* vaccine. (3-31-22)()

18. ***Operator***. The person who has authority to manage or direct a cattle, domestic bison, swine, or domestic cervidae premises, or conveyance and the animals thereon. (3-31-22)

191. ***Parturient***. Visibly prepared to give birth or within two (2) weeks before giving birth. (3-31-22)

2012. ***Postparturient***. Having already given birth. (3-31-22)

2113. **Premises.** The ground, area, buildings, corrals, and equipment utilized to keep, hold, or maintain animals. (3-31-22)

22. **Quarantine.** ~~A written order, executed by the Administrator, to confine or hold animals on a premise or any other location, and to prevent movement of animals from a premise or any other location when the administrator has determined that the animals have been found to be or are suspected to be exposed to or infected with *Brucella*, or the animals are not in compliance with the provisions of this chapter.~~ (3-31-22)

23. **Reactor.** Cattle, domestic bison, swine or domestic cervidae are classified as reactors when their blood serum has been subjected to official serological tests and the test results indicate that the animal has been exposed to and infected with *Brucella*. Cattle, domestic bison, swine or domestic cervidae are also classified as reactors in the absence of significant serologic test results when other diagnostic methods, such as bacteriologic methods, result in the recovery of field strain *Brucella* organisms, or a significant rise in the serologic titer occurs, or when other epidemiologic evidence of *Brucella* infection is demonstrated. (3-31-22)

2414. **Re-Identification of Official Vaccinates.** The identification of female cattle or other animals which have been officially vaccinated and identified, as provided in this chapter, and which have lost the official identification device or the tattoo has faded to the extent that it cannot be discerned. (3-31-22)

25. **Restraint.** ~~The confinement of cattle, domestic bison, swine, or domestic cervidae in a chute, or other device, for the purpose of efficiently, effectively, and safely inspecting, treating, vaccinating, or testing.~~ (3-31-22)

2615. **Restricted Movement Permit.** A VS Form 1-27, or other document approved by the Administrator for movement of reactor or exposed animals in commerce. (3-31-22)

27. **State Animal Health Official.** The Administrator, or his designee, responsible for disease control and eradication programs. (3-31-22)

2816. **State/Federal Animal Health Laboratory.** The official laboratory in Idaho that is approved by the Administrator and ~~USDA/APHIS/VS United States Department of Agriculture (USDA)/Animal and Plant Health Inspection Service (APHIS)/Veterinary Services (VS)~~, to conduct serologic and bacteriologic tests to detect *Brucella*. (3-31-22)

29. **Suspect.** ~~Cattle, domestic bison, swine, or domestic cervidae are classified as suspects when their blood serum has been subjected to official serologic tests and the results suggest infection but are inconclusive. If bacteriologic methods to culture *Brucella* from blood, milk or tissues were used, they did not yield field strain *Brucella*.~~ (3-31-22)

3017. **Swine.** All animals in the family suidae, owned by a person. (3-31-22)

3118. **Test Eligible.** Unless otherwise specifically provided in these rules, all sexually intact cattle and domestic bison twelve (12) months of age and over, and all parturient, and postparturient cattle and domestic bison regardless of age. (3-31-22)

32. **Wild Bison.** All animals in the genus *Bison* that are not owned by a person. (3-31-22)

33. **Wild Elk.** All elk that are not owned by a person. (3-31-22)

011. ABBREVIATIONS.

01. **APHIS.** Animal Plant Health Inspection Service. (3-31-22)

02. **AVIC.** Area Veterinarian in Charge. (3-31-22)

03. **CFR.** Code of Federal Regulations. (3-31-22)

04.	DSA. Designated Surveillance Area.	(3-31-22)
05.	MCI. Market Cattle Identification.	(3-31-22)
06.	UM&R. Uniform Methods and Rules.	(3-31-22)
07.	USDA. United States Department of Agriculture.	(3-31-22)
08.	VS. Veterinary Services.	(3-31-22)

0121. -- 019. (RESERVED)

020. APPLICABILITY.

These rules apply to all cattle, domestic bison, swine, and domestic cervidae located within, imported into, transported through or exported from the state of Idaho. (3-31-22)

021. SUPERVISION.

The official brucellosis eradication program will be supervised by full-time state or federal veterinarians. (3-31-22)

022. INSPECTIONS.

In order to ascertain compliance with this chapter, state and federal animal health officials are authorized to inspect animals, records, premises and other areas where cattle, domestic bison, swine, domestic cervidae and other animals are held or kept. (3-31-22)

01. Entering and Inspection of Premises. In order to conduct activities authorized by this chapter, state or federal animal health officials are authorized to enter premises, other areas, or conveyances in the state where cattle, domestic bison, swine, domestic cervidae or other brucellosis susceptible animals are held or kept. State or federal animal health officials and will attempt to notify the owner or operator of the premises or conveyance prior to conducting an a facility or records inspection. In an emergency, as determined by the Administrator, prior notification will not be required. (3-31-22) ()

02. Inspecting Records. To ensure compliance with the provisions of this chapter, state or federal animal health officials are authorized to have access to, inspect, review, and copy any records deemed necessary during normal business hours. State or federal animal health officials will attempt to notify the owner or operator of the premises where the records are located prior to inspecting records. (3-31-22)

03. Emergencies. In the event of an emergency, as determined by the Administrator, the notification requirements of this section may be waived. (3-31-22)

02. Maintain Biosecurity. State and federal animal health officials shall comply with the biosecurity protocol of the operation so long as the protocol does not inhibit reasonable access to inspect the facility or its records. ()

023. LABORATORIES.

Biological samples tested for brucellosis shall be tested only by official state-federal animal health laboratories or by persons authorized by the Administrator, and USDA/VS. (3-31-22)

01. Blood, Milk, Tissue, or Other Samples. All biologic samples shall be collected and tested in accordance with the UM&R for that species. (3-31-22)

02. Authorized Persons. The Administrator may authorize qualified persons to, approved by the Administrator conducting serologic tests for brucellosis. All samples initially tested at facilities other than official state-federal animal health laboratories shall be must promptly submitted to the official state-federal animal health all samples to an approved laboratory for confirmation of test results. (3-31-22) ()

03. Retest of Reactors. A request to retest a reactor animal may be submitted by the owner to the

Administrator Within three days (3) days after of being notified of the initial herd blood test results of an initial herd blood test, the owner may request an additional blood test on reactors, such test shall be made at owner's expense. The request shall be based on sound epidemiologic evidence, and all animals shall remain under herd quarantine. The request shall be made to the Administrator, who will approve or deny the request. Approved requests shall be performed at the owner's expense. (3-31-22)()

04. Reclassification of Reactors. Any reclassification of reactor animals shall be in accordance with the UM&R for that species. (3-31-22)

024. REPORTING.

Brucellosis activities conducted privately or as part of the official brucellosis eradication program shall be reported to the Administrator. (3-31-22)

01. Test Results. All test results shall be reported immediately. (3-31-22)

02. Vaccinations. All vaccination reports shall be submitted on an electronic form approved by the Administrator within fifteen (15) days of date of vaccination. (3-31-22)()

03. Disease. All owners of animals and veterinarians shall report evidence of brucellosis infection to the Administrator immediately. (3-31-22)

025. QUARANTINES.

All cattle, domestic bison, swine and domestic cervidae animals or herds determined to be exposed to or infected with brucellosis shall be quarantined. (3-31-22)

01. Infected Herds. Infected herds or animals shall remain under quarantine until such time that the herd has been completely depopulated and the premise has been cleaned and disinfected as provided by the administrator or the provisions for release of quarantine established in these rules have been met. (3-31-22)

02. Exposed Herds. The quarantine for exposed herds or animals may take the form of a hold order which shall remain in effect until the exposed animals have been tested and the provisions for release of a quarantine as established in these rules have been met. (3-31-22)

03. Validity of Quarantine. The quarantine shall be valid whether or not it is acknowledged by signature of the owner. (3-31-22)

026. CLEANING AND DISINFECTION.

The Administrator is authorized to order the owner or operator of stockyards, pens, trucks, trailers, cars, vessels, chutes, and other conveyances and premises to clean and disinfect the same, at the owner's expense, whenever necessary for the eradication of brucellosis. Cleaning and disinfecting shall be done under the supervision of state or federal animal health officials. (3-31-22)

01. Infected Animals. Premises, conveyances, or other areas where infected animals have been held or kept shall be cleaned and disinfected under regulatory supervision within fifteen (15) days following the removal of reactors or the entire herd for slaughter. (3-31-22)

02. Exemptions. The Administrator may authorize an exemption from cleaning and disinfection requirements on a case by case basis. (3-31-22)

03. Extension of Time. The Administrator may authorize an extension of time for cleaning and disinfection under extenuating circumstances. (3-31-22)

025. - 026. (RESERVED)

027. WILD BISON AND WILD ELK.

01. Wild Bison. When wild bison enter into or are otherwise present within the state of Idaho, one (1)

of the following actions shall be taken by the department: (3-31-22)

a. If feasible, the wild bison shall be physically removed by the safest and most expeditious means from within the state boundaries or delivered to a slaughterhouse approved by the department. (3-31-22)

b. If wild bison cannot safely or by reasonable and permanent means be removed from the state, the wild bison may be destroyed where they stand by the use of firearms. If firearms cannot be used with due regard for human safety and public and private property, the wild bison shall be relocated to a danger free area and destroyed by any practicable means of euthanasia, including the use of firearms. (3-31-22)

c. When wild bison are killed, the carcass remains will be disposed of in accordance with IDAPA 02.04.17, "Rules Governing Dead Animal Movement and Disposal," or field dressed for delivery to a slaughterhouse or slaughter destination approved by the Administrator. (3-31-22)

021. Exposure of Livestock to Wild Bison. All cattle, domestic bison, and domestic cervidae animals and herds that come into contact with brucellosis affected wild bison, such that transmission of brucellosis could occur, shall be considered exposed to brucellosis. (3-31-22)

022. Exposure of Livestock to Wild Elk. All cattle, domestic bison, and domestic cervidae animals and herds that have feed-line or other contact, during winter months, with wild elk that have been determined to be affected with brucellosis, such that transmission of brucellosis could occur, shall be considered exposed to brucellosis. (3-31-22)

028. BRUCELLOSIS TESTING.

The Administrator may require *brucellosis* testing of cattle, domestic bison, swine, domestic cervidae, or other animals. (3-31-22)

01. Duty to Restrain. It is the duty of each person who has control of such animals to pen the animals in suitable pens and restrain them for the test when directed to do so in writing by the Administrator. (3-31-22)

02. Records of Tests. When any cattle, domestic bison, swine, or domestic cervidae are tested for *brucellosis* a complete test record shall be made and the record shall be shown on an official electronic *brucellosis* test form provided by the Administrator. ~~The test form shall be completely filled out, including the following information:~~ (3-31-22)

a. The name and address of the owner and the location of the animals at the time of test. (3-31-22)

b. The name and signature of the person conducting the test. (3-31-22)

c. Individual identification number of each animal and the registration name and number of each purebred animal. (3-31-22)

d. Age of each animal. (3-31-22)

e. Sex of each animal. (3-31-22)

f. Breed of each animal. (3-31-22)

g. Species of animals tested. (3-31-22)

h. Vaccination status, including the vaccination tattoo for each vaccinated animal. (3-31-22)

i. Test results, if a *brucellosis* test has been performed, for each animal. (3-31-22)

j. Date sample was collected for testing. (3-31-22)

03. Interstate Movement. All test eligible cattle and domestic bison exported from Idaho shall be

tested negative for *brucellosis* within thirty (30) days prior to the interstate movement if required by the state of destination, or if the cattle or domestic bison are being moved from a DSA. (3-31-22)

04. Dairy Herds. *Brucellosis* ring tests shall be conducted on all dairy herds at least once every six (6) months. (3-31-22)

029. BRUCELLOSIS EMERGENCY (RESERVED):

In order to prevent the re-establishment of brucellosis infection in cattle, domestic bison, swine or domestic cervidae in the state, the Director may declare an animal health emergency. (3-31-22)

01. *Brucellosis in Idaho.* The Director may declare a *brucellosis* emergency in the event brucellosis is diagnosed in any cattle, domestic bison, swine or domestic cervidae in Idaho. (3-31-22)

02. *Brucellosis in Adjacent Area.* The Director may declare a *brucellosis* emergency in the event that brucellosis is discovered in areas in or outside the state that could result in transmission of *brucellosis* to Idaho cattle, domestic bison, swine, or domestic cervidae. (3-31-22)

03. *Infected Herd(s) to Be Condemned and Depopulated.* Pursuant to the provisions of Section 25-212, Idaho Code, animals and herds found to be infected with *brucellosis* shall be condemned and completely depopulated or slaughtered. (3-31-22)

030. BRUCELLOSIS INDEMNITY.

Owners of animals that are condemned and depopulated because of brucellosis shall be indemnified for such animals, based upon appraised value, less federal indemnity and salvage value, and for reasonable actual costs of disposal and cleaning and disinfection in accordance with the provisions of this chapter, except as provided in Section 031. (3-31-22)

01. *Indemnity Payments.* Payments shall be based upon the appraised value, less federal indemnity and salvage value for the animals. (3-31-22)

02. *Time Limit for Slaughter.* Payment of indemnity shall be made under Section 030 for animals destroyed because of brucellosis, only if the animals are shipped to slaughter or die otherwise within fifteen (15) days after the date of individual identification and tagging, except that the appropriate veterinarian in charge, for reasons satisfactory to him, may extend the period to thirty (30) days and the Deputy Administrator, Veterinary Services, for reasons satisfactory to him may extend it beyond thirty (30) days. (3-31-22)

03. *Reactors That Die.* Indemnity may be paid on brucellosis reactors that die before being sent to slaughter provided: the reactors have been appraised and identified and die within fifteen (15) days from date of appraisal and written verification of the official ID of the dead carcass is provided by a state or federal animal health official. (3-31-22)

a. *The reactors have been appraised and identified and die within fifteen (15) days from date of appraisal; and* (3-31-22)

b. *The state or federal animal health officials directing the disease control work are furnished with a signed statement by a veterinarian attesting that he observed the carcass of the dead animal and providing the reactor tag number found in the left ear of the animal and date of death.* (3-31-22)

04. *Other Costs.* Reimbursement for disposal costs and cleaning and disinfection costs shall not exceed the actual cost. (3-31-22)

031. BRUCELLOSIS INDEMNITY: CLAIMS NOT ALLOWED.

Claims for compensation for animals destroyed because of *brucellosis* shall not be allowed if any of the following circumstances exist: (3-31-22)

01. *Failure to Comply.* The owner has failed to comply with any of the rules governing the handling of *brucellosis* reactors. (3-31-22)

02. Illegal Imports. The animals were illegally imported into the state. (3-31-22)

03. Animals Sold for Slaughter. At the time of the test or condemnation, the animals belonged to or were upon the premises of any person to whom the animals had been sold, shipped, or delivered for slaughter. (3-31-22)

04. Unapproved Test. The animals were subject to a test not approved by the Administrator. (3-31-22)

05. Untested Animals. All animals in the owner's herd have not been tested for *brucellosis* under state or federal supervision. (3-31-22)

06. Premises Not Cleaned. The premises occupied by the *brucellosis* infected animals were not cleaned and disinfected as directed, under state or federal supervision. (3-31-22)

07. Neutered Animals. The animals were neutered. (3-31-22)

08. Attempt to Improperly Obtain Funds. There is substantial evidence that the owner or his agent has in any way been responsible for any attempt unlawfully or improperly to obtain indemnity funds for such animals. (3-31-22)

09. Unidentified Cattle and Domestic Bison. Cattle or domestic bison destroyed because of *brucellosis*, unless they were marked for identification in accordance with the October 1, 2003, Edition of the Brucellosis Eradication Uniform Methods and Rules Brucellosis UM&R. (3-31-22)()

10. Calves. If the entire herd is not depopulated and the cattle or domestic bison were calves under one-hundred eighty (180) days of age. (3-31-22)

032. -- 099. (RESERVED)

100. OFFICIAL VACCINATION REQUIRED FOR CATTLE AND DOMESTIC BISON.

~~All female cattle and domestic bison utilized for breeding, dairy, or grazing purposes shall be officially vaccinated for brucellosis. Utilization of female cattle or domestic bison, which are not officially vaccinated, for breeding, dairy or grazing purposes is a violation of this chapter.~~ (3-31-22)

101. OFFICIAL VACCINATION.

Female cattle and domestic bison may be officially vaccinated through one (1) of the following methods: (3-31-22)

01. Calfhood Vaccination. Female cattle and domestic bison native to the ~~s~~State of Idaho (State) or imported into the ~~s~~State of Idaho shall be that are calfhood vaccinated ~~while not less than one hundred twenty (120) days of age or more than three hundred sixty-five (365) days of age or be consigned to an approved feedlot, for finish feeding for slaughter only, prior to becoming three hundred sixty-five (365) days of age~~ shall be done so in accordance with 9 CFR 78 and the Brucellosis UM&R. (3-31-22)()

02. Adult Vaccination. Female cattle or domestic bison may be vaccinated as adults with the approval of the Administrator and shall be in accordance with 9 CFR 78 and the Brucellosis UM&R. (3-31-22)()

a. ~~Female cattle or bison which are three hundred sixty-five (365) days of age or older shall be negative to an official brucellosis test within ten (10) days prior to being vaccinated.~~ (3-31-22)

b. The Administrator may make exceptions to the provisions of Section 101 of this rule on a case-by-case basis. (3-31-22)

03. Approval for Adult Vaccination. Accredited veterinarians ~~representing owners, or accredited veterinarians authorized to perform services for specifically approved livestock markets who desire to have female cattle or domestic bison, which are over three hundred sixty-five (365) days of age vaccinated~~ shall request approval from the Administrator. The Administrator ~~may grant or deny the request to adult vaccinate the cattle based upon~~

~~origin, history, age, pregnancy status and the potential of the cattle or domestic bison to spread other diseases of concern, such as tuberculosis or trichomoniasis. Approval or denial of the request to adult vaccinate the cattle shall be made within seven (7) working days of the date of the request to vaccinate female cattle or domestic bison over three hundred sixty five (365) days of age.~~ (3-31-22)()

04. Adult Vaccinations Required. The Administrator may require animals at risk of becoming infected with brucellosis to be adult vaccinated. ~~The animals shall be vaccinated at intervals and with the vaccine dose determined by the designated brucellosis epidemiologist. Such vaccination shall be accomplished whether or not the animals have been previously vaccinated.~~ (3-31-22)()

102. SALE OF FEMALE CATTLE OR DOMESTIC BISON THAT ARE NOT OFFICIALLY VACCINATED. (RESERVED)

~~Female cattle and domestic bison that are not officially vaccinated, and are sold or otherwise transferred to another person by private treaty or through a specifically approved livestock market shall meet the following requirements:~~ (3-31-22)

01. Less Than Three Hundred Sixty Five Days of Age. Female cattle and domestic bison that are more than one hundred twenty (120) days of age and not more than three hundred sixty five (365) days of age at the time of sale or transfer to another person, may be sold to approved feedlots, directly to slaughter, to out-of-state destinations, or be consigned for sale at specifically approved livestock markets without being officially vaccinated. Such female cattle or domestic bison sold for breeding, grazing, or dairy purposes within Idaho shall be officially vaccinated prior to or immediately upon consummation of the sale. (3-31-22)

02. Over Three Hundred Sixty Five Days of Age. Female cattle and domestic bison over three hundred sixty five (365) days of age at the time of sale or transfer to another person may be consigned directly to an approved feedlot, out-of-state destination, slaughter, or specifically approved livestock market for sale to an approved feedlot, out-of-state destination, or slaughter. (3-31-22)

103. OFFICIAL IDENTIFICATION OF CATTLE AND DOMESTIC BISON.

01. Official Calfhood Vaccinates. ~~All official calfhood vaccines shall be permanently officially identified as vaccines by tattoo and official vaccination eartag pursuant to 9 CFR 78 and the Brucellosis Eradication UM&R.~~ (3-31-22)()

a. ~~Vaccination tattoos shall be applied to the right ear. The tattoo shall start with the letter "R," followed by the U.S. registered "shield and V," followed by a number corresponding to the last digit of the year in which the vaccination was done.~~ (3-31-22)

b. ~~Official vaccination (orange) eartags shall be applied to the right ear.~~ (3-31-22)

c. ~~Individual animal registration tattoos or individual animal registration brands may be used for identifying animals in place of official eartags if the cattle or domestic bison are registered by a breed association.~~ (3-31-22)

02. Official Adult Vaccinates. ~~Official adult vaccines shall be permanently identified as vaccines by tattoo and by official identification eartag. Animals that have previously been officially identified as vaccines shall have the prior official identification recorded on a vaccination certificate or test chart in lieu of the identification provided for in this subsection.~~ (3-31-22)

a. ~~Adult vaccinated cattle or bison must be identified with a vaccination tattoo applied to the right ear that begins with the letter "R," followed by "AV," followed by the last digit of the year in which the vaccination is performed.~~ (3-31-22)

b. ~~Official identification (silver) eartags shall be applied to the right ear.~~ (3-31-22)

c. ~~Individual animal registration tattoos or individual animal registration brands may be used for identifying animals in place of official eartags if the cattle or domestic bison are registered by a breed association.~~

(3-31-22)

032. Reactor and Suspect Animals. All animals designated as reactors or suspects by the designated *brucellosis* epidemiologist shall be marked in accordance with the October 1, 2003, Edition of the brucellosis Brucellosis Eradication Uniform Methods and Rules UM&R. (3-31-22)()

04. Suspect Animals. All suspect animals shall be marked in accordance with the October 1, 2003 Edition of the brucellosis Eradication Uniform Methods and Rules. (3-31-22)

05. Spayed Heifers. Spayed heifers may be officially identified by applying a hot iron brand high on the tailhead on either or both sides using an open spade symbol as used in playing cards, of not less than three (3) inches high, or as provided by the administrator. (3-31-22)

104. RE-IDENTIFICATION OF OFFICIAL VACCINATES.

No female cattle or domestic bison that were officially vaccinated against brucellosis shall be re-tattooed for the purpose of re-establishing their status as official brucellosis vaccines nor shall any officially vaccinated animals be or re-ear-tagged with the official vaccination eartag at any time subsequent to the original vaccination, except that re-tattooing for the purpose of re-establishing the status as official brucellosis vaccines shall be allowed under the following conditions: (3-31-22)()

01. Administrator Grants Permission. Animals may be re-tattooed only by accredited veterinarians who have obtained permission from Administrator prior to the time the animals are re-tattooed. (3-31-22)

02. Permanent Official Identification. Animals that are presented for re-tattooing shall have some permanent official identification which will identify the animals as those originally tattooed, such as the brucellosis vaccination tag, individual animal registration tattoo, or other approved permanent identification, provided that such the official identification was submitted on the original official vaccination record. (3-31-22)()

03. Reproduction of Original Tattoo. Re-tattooing shall reproduce the original tattoo, which was placed in the animal's ear at the time of vaccination. (3-31-22)()

04. Records. The veterinarian who performs the re-tattooing shall record the eartag or other official identification numbers, the tattoo symbols and the owner's name and address on a new vaccination record form of the vaccines and submit the re-tattooing record a new vaccination record to the Division of Animal Industries within ten (10) days of the date of re-tattooing. (3-31-22)()

105. LIVESTOCK MARKET RELEASE.

The accredited veterinarian authorized to provide veterinary services at a specifically approved livestock market shall perform a clinical inspection of all livestock and accurately complete a "Saleyard Release" form, certificate of veterinary inspection, or other market release mechanism certifying that the animals meet the health requirements for movement to the point of destination prior to any animals being released from the livestock market. (3-31-22)

1065. -- 119. (RESERVED)

120. BRUCELLOSIS ERADICATION AREAS.

The Director is authorized to declare the entire state, a portion of the state, entire county or part of a county an eradication area, pursuant to Idaho Code, Section 25-604, in order to contain an outbreak of brucellosis and prevent spread of brucellosis to herds cattle, domestic cervidae, swine and other animals in other counties and areas of the state. (3-31-22)()

01. Circumstances Under Which Testing Is Required. Test eligible cattle, domestic bison, or other brucellosis susceptible species: (3-31-22)

a. Shall be subjected to an official brucellosis test within the thirty (30) days immediately preceding sale or movement out of an eradication area. (3-31-22)

b. For cattle or domestic bison consigned on a permit to a specifically approved stockyard, the

brucellosis test requirement may be fulfilled at the stockyard by testing the cattle or domestic bison prior to sale. (3-31-22)

02. Test Exemptions. Test eligible cattle and domestic bison from eradication areas, consigned on a permit directly from a farm or ranch of origin to an approved slaughter establishment, or to a specifically approved stockyard for sale directly to an approved slaughter establishment, shall be exempt from pre-movement testing. (3-31-22)

03. Discontinuance of Eradication Area. The eradication area designation shall exist only for the period of time necessary for the elimination of brucellosis infection from cattle and domestic bison in the area. After infection has been eliminated and Idaho has retained or regained brucellosis free status, the Director shall remove the eradication status from the area and the testing requirements shall be discontinued. (3-31-22)

121. TEST ELIGIBLE CATTLE AND DOMESTIC BISON IN AN ERADICATION AREA.
Test eligible cattle and domestic bison in an eradication area are: (3-31-22)

01. Unvaccinated or Vaccinated with Brucella Abortus Strain RB 51 Vaccine. Intact male and female cattle and domestic bison that are six (6) months of age or older. (3-31-22)

122. MOVEMENT INTO OR OUT OF ERADICATION AREAS.
Cattle or domestic bison shall not be moved into or out of an eradication area except by the authorization of the Administrator. (3-31-22)()

01. Permits Authorizing Movement. Movement of cattle or domestic bison into or out of an eradication area shall require a permit issued by the Administrator on an approved form. (3-31-22)()

02. Contents of Permits. Permits for movement into or out of an eradication area shall be of the form and content prescribed by the Administrator. (3-31-22)

123. DESIGNATED SURVEILLANCE AREA (DSA).
All intact cattle and domestic bison that reside or seasonally graze within a DSA are subject to additional rule requirements for the prevention or eradication of brucellosis. (3-31-22)()

01. Individual Identification Requirements. All intact cattle and domestic bison, regardless of age, that leave the DSA must be identified with official electronic identification. (3-31-22)()

02. Testing Requirements Within The DSA. The following official brucellosis test requirements apply to all test eligible cattle and domestic bison that are or have been located within the DSA at any time between January 1 and June 15 of any calendar year. (3-31-22)

a. All test eligible cattle and domestic bison must have a negative brucellosis test within thirty (30) days prior to a change of ownership, interstate movement or prior to leaving the DSA, except cattle or domestic bison moving directly to an approved Idaho livestock market or a federally-inspected slaughter plant that will test the animals for brucellosis on arrival. (3-31-22)

b. Variances or exceptions to the brucellosis testing requirements may be considered on an individual basis by the administrator, based upon a brucellosis herd management plan. (3-31-22)

03. Permit Required for Movement Out of the DSA. In addition to the above testing requirements and prior to movement, all persons transporting Test Eligible cattle or domestic bison from within the DSA to a location outside the DSA, shall be required to obtain a movement permit via telephone electronic submission on an approved form from the Division of Animal Industries at least twenty-four (24) hours in advance. The permit will be valid for fifteen (15) days from issuance. (3-31-22)()

a. Telephone Requests. DSA movement permits may be requested by telephone at (208) 332-8540 or facsimile at (208) 334-4062. (3-31-22)

b. ~~Contents of a Permit Request.~~ The request for a movement permit shall include the following (3-31-22)

i. Name and address of the consignor and consignee; (3-31-22)

ii. Number and kind of animals; (3-31-22)

iii. Origin of shipment; (3-31-22)

iv. Final destination; and (3-31-22)

v. Date of required brucellosis test. (3-31-22)

e. ~~Period of Validity.~~ Permits shall be valid for no longer than fifteen (15) days from the date of issuance unless otherwise specified. (3-31-22)

d.a. ~~Penalties.~~ Any person that fails to obtain a permit prior to movement of cattle out of the DSA may be assessed penalties pursuant to Section 990 of this rule. (3-31-22)()

124. -- 129. (RESERVED).

130. MOVEMENT OF INFECTED AND EXPOSED CATTLE OR DOMESTIC BISON.

All movement of infected or exposed cattle or domestic bison shall be on a restricted movement permit in accordance with the ~~October 1, 2003, edition of the brucellosis~~ Brucellosis Eradication Uniform Methods and Rules UM&R. (3-31-22)()

01. ~~Restricted Movement Permit.~~ The permit shall be completed in full and signed by the shipper of the animals. (3-31-22)

02. ~~Original Copy of Permit.~~ The original copy of the permit shall accompany the animal being moved. (3-31-22)

131. -- 199. (RESERVED)

200. IDAHO APPROVED FEEDLOT.

Female cattle and domestic bison that have not been officially vaccinated for brucellosis shall not be fed for slaughter except in Idaho approved feedlots, with no provisions for pasturing or grazing. Application for Idaho Approved Feedlot status shall be made on a form available from the Administrator. Applications for Approved Feedlot Status will be considered under the following conditions. (3-31-22)()

01. **Cattle Secured.** ~~The feedlot management has demonstrated that cattle which have not been officially vaccinated can be secured in the feedlot; and~~ ()

02. **Adequate Records.** ~~Feedlot records are adequate to show the origin and disposition of the cattle in the feedlot; and~~ ()

03. **Adequate Resources.** ~~The Administrator determines that the Division of Animal Industries has adequate human and fiscal resources to assure that the feedlot abides by the provisions of this chapter; and~~ ()

04. **Inspection.** ~~A state or federal animal health official has completed an inspection of the feedlot.~~ ()

05. **Past History.** ~~The Administrator may take any past enforcement or violation history into consideration when making the final determination of whether or not to approve a feedlot.~~ ()

201. APPLICATION FOR DESIGNATION AS AN IDAHO APPROVED FEEDLOT.

~~Application for Idaho Approved Feedlot status shall be made on application forms available from the Administrator.~~

(3-31-22)

202. ADMINISTRATOR APPROVAL.

The Administrator may approve feedlot applications after the feedlot has been inspected by state or federal animal health officials and: (3-31-22)

01. Cattle Secured. The feedlot management has demonstrated that cattle which have not been officially vaccinated can be secured in the feedlot; and (3-31-22)

02. Adequate Records. Feedlot records are adequate to show the origin and disposition of the cattle in the feedlot; and (3-31-22)

03. Adequate Resources. The Administrator determines that the Division of Animal Industries has adequate human and fiscal resources to assure that the feedlot abides by the provisions of this chapter; and (3-31-22)

04. Past History. The Administrator may take any past enforcement or violation history into consideration when making the final determination of whether or not to approve a feedlot. (3-31-22)

203. APPROVED FEEDLOT NUMBER.

Feedlots approved by the Administrator shall receive an Idaho Approved Feedlot Number. (3-31-22)

201. -- 203. (RESERVED)

204. EXPIRATION OF APPROVED STATUS.

Approved feedlot status shall expire on September 1 of each year. It shall be the responsibility of feedlot management to apply each year for renewal of approved status. (3-31-22)

205. -- 249. (RESERVED)

250. CONTENT OF RECORDS FOR APPROVED FEEDLOTS.

All approved feedlots shall keep accurate and complete records of all cattle and domestic bison that enter the approved feedlot. These records shall readily show: (3-31-22)

01. Animals Received. The number, species, age, sex, brand, origin, date of entry, individual identification when required, and final disposition of all cattle and domestic bison received at the feedlot; and (3-31-22)

02. Animals Removed from Feedlot. The date of removal or sale, and destination of any animals removed; and (3-31-22)

03. Death Loss. Cattle and domestic bison losses by accident, disease or death shall be accurately recorded; and (3-31-22)

04. Requirements. That all applicable permit, test, examination, identification, and vaccination requirements have been met. (3-31-22)

251. RECORDS RETENTION.

Feedlot records shall be retained by the feedlot for a period of not less than one (1) year following removal of the cattle or domestic bison from the feedlot. (3-31-22)

252. ENTRY REQUIREMENTS.

Idaho Approved Feedlots are allowed to feed all classes of cattle and domestic bison, except brucellosis-exposed, suspect, or reactor cattle and domestic bison. ~~Test eligible cattle and domestic bison from Class A, and B states or areas, as defined in Title 9, Part 78, CFR, shall be tested negative prior to entry.~~ (3-31-22)()

253. REMOVAL REQUIREMENTS.

All cattle and domestic bison, except steers and spayed heifers, leaving Idaho Approved Feedlots shall ~~conform to the~~

following provisions have been held separate and apart from all other feedlot cattle since arrival at the feedlot, and their isolation maintained until the vaccinated cattle or domestic bison are removed from the feedlot. Additional removal requirements are as follows: (3-31-22)()

01. Direct to Slaughter. Shall be identified on a weigh bill or other certificate and moved directly to slaughter at an approved slaughter establishment; or (3-31-22)

02. Direct to Another Idaho Approved Feedlot. Shall be identified on a Certificate of Veterinary Inspection and moved directly to another Idaho Approved Feedlot; or (3-31-22)

03. Direct to Livestock Market. Shall be consigned directly to a specifically approved livestock market for sale to slaughter, or other qualified destination; or (3-31-22)

04. Direct Out of State. Shall be consigned directly to a qualified out of state destination. (3-31-22)

05. Official Calfhood Vaccinates. Officially calfhood vaccinated female cattle or domestic bison may be removed from an Idaho Approved Feedlot for breeding, dairy, or grazing purposes provided that the female cattle or domestic bison have been isolated in pens separate and apart from all other feedlot cattle since arrival at the feedlot, and the isolation is maintained until the vaccinated cattle or domestic bison are removed from the feedlot. (3-31-22)()

06. Official Adult Vaccinates. Officially adult vaccinated female cattle or domestic bison may be removed from an Idaho Approved Feedlot for breeding, dairy, or grazing purposes provided that the following conditions are met: (3-31-22)

a. Female cattle or domestic bison that are three-hundred sixty-five (365) days of age or older at the time of vaccination have tested negative to an official brucellosis test within ten (10) days prior to vaccination; and (3-31-22)

b. The female cattle or domestic bison are vaccinated with Strain RB 51 Brucella abortus vaccine, with a dose approved by the Administrator, within ten days of the negative brucellosis test; and (3-31-22)()

e. The female cattle or domestic bison have been isolated in pens separate and apart from all other feedlot cattle since arrival at the feedlot and the isolation is maintained until the vaccinated cattle or domestic bison are removed from the feedlot; and (3-31-22)

dc. All female cattle or domestic bison in the isolation pen are negative on an official brucellosis test prior to the vaccination and removal of any cattle from the isolation pen; and (3-31-22)

ed. The female cattle or domestic bison are identified on a Certificate of Veterinary Inspection at the time of removal. (3-31-22)

07. Intact Males. Intact male cattle and domestic bison may be removed from an Idaho Approved Feedlot for breeding, dairy, or grazing purposes provided that the following conditions are met: (3-31-22)

a. The intact male cattle or domestic bison have been tested negative to trichomoniasis tests as provided in the trichomoniasis rules, **IDAPA 02.04.03**, "Rules of the Department of Agriculture Governing Animal Industry," Section 220. (3-31-22)

b. The intact male cattle or domestic bison have been isolated in pens separate and apart from other feedlot cattle since arrival at the feedlot. (3-31-22)

eb. The intact male cattle or domestic bison are examined, tested for brucellosis, and identified on a Certificate of Veterinary Inspection at the time of removal. (3-31-22)

08. Interstate Commerce. Animal(s) moved in interstate commerce shall meet all applicable state and federal requirements. (3-31-22)

098. **Approval of the Administrator.** Vaccinated female cattle and intact male cattle being removed from the feedlot for breeding, dairy or grazing purposes shall not be removed without prior notification, and if required, approval of and under the conditions determined by to the administrator. (3-31-22)()

254. TESTING (RESERVED)

Under the Brucellosis UM&R, Idaho Approved Feedlots are considered herds, not Quarantined Feedlots. (3-31-22)

01. **MCI.** In the event that MCI slaughter testing discloses reactor(s) that came from the approved feedlot, the test-eligible animals remaining in the feedlot will be subjected to a herd test for brucellosis, unless feedlot records are adequate to identify the herd from which the reactor(s) originated and an epidemiological investigation demonstrates that the cattle remaining in the feedlot are not exposed. (3-31-22)

02. **Exposed Cattle.** Cattle in an approved feedlot may be subject to testing for brucellosis if a brucellosis test conducted in the feedlot or an epidemiological investigation reveals that brucellosis exposed cattle have entered the feedlot. (3-31-22)

255. INSPECTION.

The feedlot premises, the cattle or domestic bison therein, and the feedlot records shall be presented for inspection to the Administrator at any reasonable time. (3-31-22)

256. REVOCATION OF APPROVED FEEDLOT STATUS.

The Administrator may revoke approved feedlot status by notifying the owner in writing. (3-31-22)

01. **Failure to Comply.** In addition to any other department administrative or civil action, failure on the part of the feedlot operator to comply with the requirements of this chapter shall result in revocation of the Idaho Approved Feedlot status. (3-31-22)

02. **Operator Request.** Operators may have the approved status revoked by emptying the feedlot and requesting in writing that the status be revoked. (3-31-22)

03. **Regulation Changes.** Idaho Approved Feedlot status may be revoked at such time as revocation is required by changes in state or federal rules or regulations. (3-31-22)

04. **Disposition of Cattle and Domestic Bison.** Should the Idaho Approved Feedlot status be revoked, cattle and domestic bison still in the feedlot shall be removed from the feedlot as provided in Section 252-of this rules. The Administrator shall have the authority to impose time limits for removal of cattle and bison. (3-31-22)()

257. --299. (RESERVED)

300. OFFICIAL IDENTIFICATION OF DOMESTIC CERVIDAE.

01. **Identification at Time of Brucellosis Testing.** Domestic cervidae shall be individually identified with an official identification device and the individual identification recorded on an official test form, or any existing official identification on the animal shall be recorded on an official test form at the time of brucellosis testing. (3-31-22)

02. **Identification of Reactors.** Animals classified as reactors to an approved brucellosis test shall be identified by hot branding the letter "B" (at least two by two (2 x 2) inches) on the left hip and by placing an official reactor tag in the left ear before movement of the animal from the premises where tested. (3-31-22)

03. **Identification of Suspect and Exposed Animals.** Suspect and exposed animals shall be identified by hot branding the letter "S" (at least two by two (2 x 2) inches) on the left hip and the official eartag number shall be recorded on movement documents before movement of the animal from the premises where found or tested. (3-31-22)

04. **Exception to Identification of Reactor, Suspect, and Exposed Animals.** In lieu of tagging and

branding reactor, suspect, or exposed animals, the Administrator may approve movement of these animals directly to slaughter in a sealed vehicle or accompanied by a state or federal animal health official. (3-31-22)

301. 319. (RESERVED)

320. TESTING REQUIREMENTS.

01. Issuance of Order for Testing, Quarantine, or Disposal of Domestic Cervidae. The Administrator shall determine when testing, quarantine, or disposal of domestic cervidae infected with or exposed to brucellosis is required, pursuant to Title 25, Chapters 2, 6, and [37] 35, Idaho Code. If the Administrator determines that testing or disposal of domestic cervidae or disinfection or sterilization of facilities is required, a written order shall be issued to the owner describing the procedure to be followed and the time period for carrying out such actions. (3-31-22)

02. Brucellosis Free Certification of Domestic Cervid Herds. Domestic cervidae shall be tested in accordance with the UM&R for Brucellosis in Cervidae to obtain certification of a herd as brucellosis-free. All sexually intact animals six (6) months of age or older must have three consecutive negative tests nine (9) to fifteen (15) months apart for initial herd certification. (3-31-22)

321. DOMESTIC CERVIDAE BRUCELLOSIS ERADICATION AREA.

The Director is authorized to declare the entire state, a portion of the state, entire county or part of a county a domestic cervidae brucellosis eradication area, pursuant to Section 25-604, Idaho Code, in order to contain an outbreak of brucellosis and prevent spread of brucellosis to herds in other counties and areas of the state. (3-31-22)

322. TESTING AND MOVEMENT.

Testing and movement requirements related to cervidae brucellosis eradication areas shall be in accordance with the UM&R for Brucellosis in Cervidae. (3-31-22)

323. 399. (RESERVED)

400. OFFICIAL IDENTIFICATION OF SWINE.

01. Swine Tested at Farm. All swine bled on the farm as part of a complete herd test for swine brucellosis shall be individually identified by official VS-approved eartags, visible tattoos, or ear notches, provided the ear notch has been recorded in the book of record of a purebred registry association. (3-31-22)

02. Swine Tested at Market or Slaughter. Sows and boars six (6) months of age and older shall be identified by an official VS-approved paper or plastic backtag applied to the head or poll region and/or an official VS-approved eartag when tested for swine brucellosis at markets or slaughter establishments. (3-31-22)

03. Reactor Swine. Swine reacting to the swine brucellosis test shall be identified by placing an official VS-approved reactor tag in the left ear. (3-31-22)

401. 419. (RESERVED)

420. TESTING REQUIREMENTS.

01. Test Eligible Swine. Brucellosis testing of swine at markets, at slaughter establishments and farms when required by the UM&R for Control/Eradication of Swine Brucellosis shall be performed on sexually intact animals 6 months of age and older. (3-31-22)

02. Imported Domestic Swine. Test eligible swine shall be negative to a swine brucellosis test thirty (30) days prior to importation into Idaho unless, the swine are from a validated swine brucellosis-free herd or state. (3-31-22)

03. Semen Sold for Artificial Insemination. All herds that market swine semen shall be subjected to a complete herd test annually and be validated swine brucellosis-free. (3-31-22)

421. SWINE BRUCELLOSIS ERADICATION AREA.

The Director is authorized to declare the entire state, a portion of the state, entire county or part of a county a swine brucellosis eradication area, pursuant to Section 25-604, Idaho Code, in order to contain an outbreak of brucellosis and prevent spread of brucellosis to herds in other counties and areas of the state. (3-31-22)

422. TESTING AND MOVEMENT.

~~Testing and movement requirements related to swine brucellosis eradication areas shall be in accordance with the UM&R for control/eradication of swine brucellosis.~~ (3-31-22)

423.— 999. (RESERVED)

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.04.24 – RULES GOVERNING TUBERCULOSIS
DOCKET NO. 02-0424-2501 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo and Incorporation By Reference Synopsis \(IBRS\)](#)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224](#)(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections [25-203](#), [25-305](#), and [25-401](#), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

These rules are being presented for approval as part of the ISDA's plan to review each rule every 5 years. Amendments were identified by the agency and presented to stakeholders and are consistent with the Governor's Zero-Based Regulation Executive Order. Negotiated rulemaking meetings were held on June 17 and July 15 with broad stakeholder participation.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 91-100](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

There are no fees associated with this rule.

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:

There is no fiscal impact due to this administrative rule.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Lloyd Knight, (208)332-8615.

DATED this 7th day of January, 2026.

Lloyd B. Knight
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, ID 83707
Phone: (208)332-8615
Email: Lloyd.knight@isda.idaho.gov

THE FOLLOWING NOTICE PUBLISHED WITH THE 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 25-203](#), [25-305](#), and [25-401](#), 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 15, 2025.

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:

These rules are being presented for approval as part of the ISDA's plan to review each rule every 5 years. Amendments were identified by the agency and presented to stakeholders and are consistent with the Governor's [Zero-Based Regulation Executive Order](#). Negotiated rulemaking meetings were held on June 17 and July 15 with broad stakeholder participation.

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

There are no fees associated with this rule.

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:

There is no fiscal impact due to this administrative rule.

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 May 7, 2025 Idaho Administrative Bulletin, [Volume 25-5, p 31-32](#).

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 Uniform Methods and Rules and CFR Title 9 are incorporated by referenced since this rule must follow federal regulations as this is a federally mandated program. These documents reference the federal government policies and procedures.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lloyd Knight, (208)332-8615.

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 October 22, 2025.

DATED this 1st day of October, 2025.

THE FOLLOWING IS THE TEXT OF ZBR DOCKET NO. 02-0424-2501

02.04.24 – RULES GOVERNING TUBERCULOSIS

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 25-203 and 25-305, Idaho Code. (3-31-22)()

001. ~~TITLE AND~~ SCOPE.

01. ~~Title.~~ The title of this chapter is “Rules Governing Tuberculosis.” (3-31-22)

02. ~~Scope.~~ These rules govern procedures for the prevention, surveillance, control, management, and eradication of tuberculosis in the state of Idaho. (3-31-22)()

002. -- 003. (RESERVED)

004. INCORPORATION BY REFERENCE.

01. ~~The January 1, 2005, Edition of “Bovine Tuberculosis Eradication Uniform Methods and Rules.”~~ (3-31-22)

02. ~~The Code of Federal Regulations, Title 9, Parts 71, 77, and 161, January 1, 2005.~~ This document can be viewed online at <https://www.ecfr.gov/current/title-9/chapter-I/subchapter-C>. (3-31-22)()

005. -- 009. (RESERVED)

010. DEFINITIONS.

In addition to the definitions found in Section 25-239, Idaho Code, these terms apply in the interpretation and enforcement of this Rule: (3-31-22)

01. ~~Accredited Herd.~~ A herd that meets the standards of the UMR for bovine tuberculosis. (3-31-22)

02. ~~Accredited Veterinarian.~~ A veterinarian approved by the Administrator and USDA/APHIS/VS, in accordance with the provisions of Title 9, Part 161, Code of Federal Regulations, to perform functions of State-Federal animal disease control programs. (3-31-22)

03. ~~Affected Herd.~~ A herd in which there is strong and substantial evidence that *Mycobacterium bovis* may exist. (3-31-22)

041. ~~Approved Laboratory.~~ A state or federal veterinary diagnostic laboratory. The primary laboratory for tuberculosis histopathology and bacteriology culture will be the National Veterinary Services Laboratories, Ames, Iowa. (3-31-22)

05. ~~Approved Feedlot.~~ A feedlot approved by the Administrator to feed cattle and domestic bison of unknown Tuberculosis test status. (3-31-22)

06. ~~Area Veterinarian in Charge.~~ The veterinary official of USDA/APHIS/VS, who is assigned by the deputy administrator of APHIS to supervise and perform official APHIS animal health work. (3-31-22)

072. ~~Bovine Tuberculosis.~~ A disease caused by *Mycobacterium bovis*. (3-31-22)

083. **Cattle.** All domestic bovidae, including domestic bison, owned by a person. (3-31-22)()

09. **Domestic Bison.** All animals of the genus *Bison*, which are owned by a person. (3-31-22)

1004. **Domestic Cervidae.** Elk, fallow deer, and reindeer owned by a person. (3-31-22)

1105. **Eradication.** The complete elimination of bovine tuberculosis from cattle, domestic cervidae, bison and goats in a state so that the disease does not appear unless introduced from another species or from outside the state. (3-31-22)

12. **Exposed.** Animals that have had contact with other animals, herds, or materials that have been determined to be infected with or affected by *Mycobacterium bovis*. (3-31-22)

13. **Federal Animal Health Official.** An employee of USDA/APHIS/VS who is authorized to perform animal health activities. (3-31-22)

1406. **Free Area.** The counties, areas, or districts not quarantined by the Division of Animal Industries for tuberculosis. (3-31-22)

15. **Herd.** Any group of cattle, bison, goats, and domestic cervidae maintained on common ground, or two (2) or more groups of cattle, bison, goats, and domestic cervidae under common ownership or supervision that are geographically separated from other groups but can have an interchange or movement without regard to health status. (3-31-22)

16. **Herd Depopulation.** The destruction of all cattle, bison, goats, and domestic cervidae exposed to bovine tuberculosis in a herd. (3-31-22)

17. **Interstate Movement.** Movements of cattle, bison, goats, and domestic cervidae from Idaho into any other state, territory or the District of Columbia or from any other state, territory or the District of Columbia into Idaho. (3-31-22)

18. **Intrastate Movement.** Movement of cattle, bison, goats, and domestic cervidae within Idaho. (3-31-22)

19. **Negative.** Any cattle, bison, domestic cervidae, or goats that show no response to the tuberculin test, or are classified by the testing laboratory as negative for tuberculosis. (3-31-22)

20. **Official Tuberculin Test.** A test for bovine tuberculosis, approved by APHIS, applied and reported by approved personnel in accordance with the UMR. (3-31-22)

2107. **Public Stockyards.** Premises where trading in cattle, bison, goats, and domestic cervidae is carried on, where yarding, feeding and watering places are provided by the stockyards or transportation companies, or where cattle, bison, goats, and domestic cervidae associations or similar companies maintain corrals for feeding, shearing, dipping and separating animals. (3-31-22)

22. **Quarantined Area.** The counties, areas, or portions thereof, quarantined by the Division of Animal Industries for tuberculosis. (3-31-22)

23. **Quarantined.** Isolation of all animals diseased or exposed thereto, from contact with healthy animals and exclusion of such healthy animals from enclosures or grounds where said diseased or exposed animals are, or have been kept. (3-31-22)

24. **Reactor.** Any cattle, domestic cervidae, bison or goat that shows a response to an official tuberculosis test and is classified a reactor by the testing veterinarian or DTE; or any animal that is classified a reactor upon slaughter inspection or necropsy. (3-31-22)

25. Restraint. The confinement of cattle, bison, goats, or domestic cervidae in a chute, or other device, for the purpose of efficiently, effectively, and safely inspecting, treating, vaccinating, or testing. (3-31-22)

26. State Animal Health Official. The Administrator, or his designee, responsible for animal disease control and eradication activities. (3-31-22)

27. Suspect. Any cattle, bison, domestic cervidae, or goat that shows a response to a tuberculin test as stated in the UMR for bovine tuberculosis, and is not classified a reactor. (3-31-22)

28. Tuberculin. A product that is approved by, and produced under, USDA license for injection into cattle, bison, goats, and domestic cervidae for the purpose of detecting bovine tuberculosis. (3-31-22)

011. ABBREVIATIONS.

- 01. APHIS.** Animal Plant Health Inspection Service. (3-31-22)
- 02. AVIC.** Area Veterinarian in Charge. (3-31-22)
- 03. CCT.** Comparative Cervical Tuberculin Test. (3-31-22)
- 04. CFR.** Code of Federal Regulations. (3-31-22)
- 05. CFT.** Caudal-Fold Tuberculin Test. (3-31-22)
- 06. DTE.** Designated Tuberculosis Epidemiologist. (3-31-22)
- 07. NGL.** No Gross Lesion(s). (3-31-22)
- 08. NVSL.** National Veterinary Services Laboratories in Ames, Iowa. (3-31-22)
- 09. UMR.** Uniform Methods and Rules. (3-31-22)
- 10. USDA.** United States Department of Agriculture. (3-31-22)
- 11. VS.** Veterinary Services. (3-31-22)

0121. -- 019. (RESERVED)

020. APPLICABILITY.

These rules apply to all cattle, bison, domestic cervidae, and goats located within, imported into, or exported from the state of Idaho, and other tuberculosis-susceptible animals. (3-31-22)

021. SUPERVISION.

The official tuberculosis eradication program will be supervised by full-time state or federal veterinarians. (3-31-22)

022. INSPECTIONS.

In order to ascertain compliance with this chapter, state and federal animal health officials are authorized to inspect animals, records, premises and other areas where cattle, bison, goats, domestic cervidae and other animals are held or kept. (3-31-22)

01. Entering and Inspection Premises. ~~In order to conduct activities authorized by this chapter, s~~ State or federal animal health officials are authorized to enter premises, other areas, or conveyances in the state where cattle, bison, goats, domestic cervidae or other tuberculosis susceptible animals are held or kept. ~~State or federal animal health officials and~~ will attempt to notify the owner or operator of the premises or conveyance prior to conducting ~~an a facility or records~~ inspection. ~~In an emergency, as determined by the Idaho State Department of Agriculture (ISDA) Administrator of the Division of Animal Industries (Administrator), prior notification will not be required.~~ (3-31-22)()

02. **Emergencies.** In the event of an emergency, as determined by the Administrator, the notification requirements of Section 022 may be waived. (3-31-22)

02. **Maintain Biosecurity.** State and federal animal health officials shall comply with the biosecurity protocol of the operation so long as the protocol does not inhibit reasonable access to inspect the facility or its records. ()

023. TUBERCULOSIS TESTS.

Official tests for tuberculosis will be conducted only by persons authorized by the Administrator, and USDA/APHIS/VS United States Department of Agriculture (USDA)/Animal and Plant Health Inspection Service (APHIS)/Veterinary Services (VS). (3-31-22) ()

01. **Authorized Person.** The Administrator may authorize state or federal animal health officials, or accredited veterinarians to perform official tuberculin tests. (3-31-22)

02. **Tuberculin Test Interpretation.** The injection site on each animal shall be palpated by the authorized person that administered the tuberculin injection. The Administrator may grant variances from Subsection 023.02 on a case by case basis. (3-31-22)

024. REPORTING.

01. **Test Results.** Results of all official tuberculin tests shall be submitted to the Division of Animal Industries on an electronic form, approved by the Administrator, within seven (7) days of initiation of the test. (3-31-22) ()

02. **Disease.** All owners of animals, and veterinarians, shall report evidence of tuberculosis infection to the Administrator, by telephone or facsimile, within twenty-four (24) hours of the discovery of the disease. (3-31-22)

025. QUARANTINES.

All cattle, bison, goats, and domestic cervidae animals or herds that are exposed to, or infected with tuberculosis shall be quarantined. (3-31-22)

01. **Infected Herds.** Infected herds or animals remain under quarantine until such time as the herd has been completely depopulated or the provisions for release of quarantine provided in the UMR for bovine tuberculosis have been met. (3-31-22)

02. **Exposed Herds.** The quarantine for exposed herds or animals may take the form of a Hold Order, which remains in effect until the exposed animals have been tested negative or the provisions for release of quarantine provided in the UMR for bovine tuberculosis are met. (3-31-22)

03. **Validity of Quarantine.** The quarantine is valid whether or not it is acknowledged by signature of the owner. (3-31-22)

026. CLEANING AND DISINFECTING.

The Administrator is authorized to order the owner or operator of stockyards, pens, trucks, trailers, cars, vessels, chutes, and other conveyances and premises to clean and disinfect the same, at the owner's expense, whenever necessary for the eradication of tuberculosis. Cleaning and disinfecting shall be done under the supervision of state or federal animal health officials. (3-31-22)

01. **Infected Premises.** Premises, conveyances, or other areas where infected animals have been held or kept shall be cleaned and disinfected within fifteen (15) days following the removal of reactors or the entire herd. (3-31-22)

02. **Exemptions.** The Administrator may authorize an exemption from cleaning and disinfection requirements on a case-by-case basis. (3-31-22)

03. Extension of Time. The Administrator may authorize an extension of time for cleaning and disinfection under extenuating circumstances. (3-31-22)

0275.-027. (RESERVED)

028. TUBERCULOSIS TESTING.

The Administrator may require tuberculosis testing of cattle, bison, goats, domestic cervidae, or other animals. (3-31-22)

01. Duty to Restrain. It is the duty of each person who owns cattle, bison, goats, domestic cervidae, or other animals to pen the animals in suitable pens and restrain them for the test when directed to do so in writing by the Administrator. (3-31-22)

02. Records of Tests. When any cattle, bison, goats, domestic cervidae, or other animals are tested for tuberculosis a complete test record shall be made and the record shown on an official electronic tuberculosis test form provided by the Administrator, which includes all of the following information: (3-31-22)()

- a.** The name and address of the owner and the location of the animals at the time of the test. (3-31-22)
- b.** The name and signature of the person conducting the test. (3-31-22)
- c.** Individual identification number of each animal and the registration name and number of each purebred animal. (3-31-22)
- d.** Age of each animal. (3-31-22)
- e.** Sex of each animal. (3-31-22)
- f.** Breed of each animal. (3-31-22)
- g.** Species of animals tested. (3-31-22)
- h.** Test results for each animal. (3-31-22)

029. TUBERCULOSIS EMERGENCY.(RESERVED)

In order to prevent the re-establishment of tuberculosis infection in cattle, bison, goats or domestic cervidae in the state, the Director may declare an animal health emergency. (3-31-22)

01. Tuberculosis in Idaho. The Director may declare a tuberculosis emergency in the event that tuberculosis is diagnosed in any cattle, bison, goats or domestic cervidae in Idaho. (3-31-22)

02. Tuberculosis in Adjacent Area. The Director may declare a tuberculosis emergency in the event that tuberculosis is discovered in areas outside the state that could result in transmission of tuberculosis to Idaho cattle, bison, goats, or domestic cervidae. (3-31-22)

030. TUBERCULOSIS INDEMNITY.

Owners of animals that are condemned and depopulated because of tuberculosis shall be indemnified for such animals, based upon appraised value, less federal indemnity and salvage value, and for reasonable actual costs of disposal and cleaning and disinfection in accordance with the provisions of this chapter, except as provided in Section 031. (3-31-22)

01. Indemnity Payments. Payments are based upon the appraised value, less federal indemnity and salvage value for the animals. (3-31-22)

021. Time Limit for Slaughter. Payment of indemnity is made under Section 030 for animals destroyed because of tuberculosis, only if the animals are shipped to slaughter or die otherwise within fifteen (15) days after the

date of individual identification and tagging. The Administrator may extend the period for thirty (30) days. (3-31-22)

032. Verification of Reactors That Die. Indemnity may be paid on tuberculosis reactors that die before being sent to slaughter provided the reactors have been appraised and identified and die within fifteen (15) days from date of appraisal and written verification of the official ID of the dead carcass is provided by a state or federal animal health official. (3-31-22) ()

a. The reactors have been appraised and identified and die within fifteen (15) days from the date of appraisal; and (3-31-22)

b. The state or federal animal health officials directing the disease control work are furnished with a signed statement by a veterinarian attesting that he observed the carcass of the dead animal, the reactor tag number found in the left ear of the animal, and date of death. (3-31-22)

04. Other Costs. Reimbursement for disposal costs and cleaning and disinfection costs will not exceed the actual cost. (3-31-22)

031. TUBERCULOSIS INDEMNITY -- CLAIMS NOT ALLOWED.

Claims for compensation for animals destroyed because of tuberculosis are not allowed if any of the following circumstances exist: (3-31-22)

01. Failure to Comply. The owner has failed to comply with any of these rules. (3-31-22)

02. Illegal Imports. The animals were illegally imported into the state. (3-31-22)

03. Animals Sold for Slaughter. At the time of the test or condemnation, the animals belonged to or were upon the premises of any person to whom the animals had been sold, shipped, or delivered for slaughter. (3-31-22)

04. Unapproved Test. The animals were subject to a test not approved by the Administrator. (3-31-22)

05. Untested Animals. All animals in the owner's herd have not been tested for tuberculosis under state or federal supervision. (3-31-22)

06. Premises Not Cleaned. The premises occupied by the tuberculosis infected animals were not cleaned and disinfected as directed, under state or federal supervision. (3-31-22)

07. Attempt to Improperly Obtain Funds. There is substantial evidence that the owner or his agent has in any way been responsible for any attempt unlawfully or improperly to obtain indemnity funds for such animals. (3-31-22)

08. Unidentified Cattle and Bison. Cattle or bison destroyed because of tuberculosis, unless they were marked for identification by branding the letter "T" on the left hip near the tailhead, not less than two (2) inches high, and unless a metal tag bearing a serial number and inscription "US REACTOR" or similar US Reactor tag, was suitably attached to the left ear of each animal. (3-31-22)

09. Calves. If the entire herd is not depopulated and the cattle or bison were calves under one hundred eighty (180) days of age. (3-31-22)

032. -- 099. (RESERVED)

100. OFFICIAL IDENTIFICATION.

All cattle, bison, domestic cervidae, and goats tested for tuberculosis shall be individually identified by official eartag, individual tattoo, or individual brand, individual identification as provided in the UMR Uniform Methods and Rules (UMR) for bovine tuberculosis, at the time of injection. (3-31-22) ()

101. CATTLE, BISON, GOATS, AND DOMESTIC CERVIDAE MARKET RELEASE.

The accredited veterinarian authorized to provide veterinary services at a specifically approved livestock market shall perform a clinical inspection of all cattle, bison, goats, and domestic cervidae and accurately complete a "Saleyard Release" form, certificate of veterinary inspection, or other market release mechanism certifying that the animals meet the health requirements for movement to the point of destination prior to any animals being released from the livestock market. (3-31-22)

1021. -- 119. (RESERVED)

120. CLASSIFICATION AND DISPOSITION OF CATTLE, BISON, AND DOMESTIC CERVIDAE.
Classification and disposition of cattle, bison, and domestic cervidae that are tested for tuberculosis is determined and respond to the tuberculin test shall be pursuant to the UMR for bovine tuberculosis. (3-31-22)()

121. -- 199. (RESERVED)

200. PROCEDURES FOR INFECTED HERDS AND FEEDLOTS.

Disclosure of tuberculosis in any herd or feedlot shall be followed by a complete epidemiological investigation and testing as provided in the UMR for bovine tuberculosis. (3-31-22)()

201. -- 209. (RESERVED)

210. PROCEDURES FOR TUBERCULOSIS INFECTED FEEDLOTS.

A tuberculosis-infected feedlot is handled in the same manner as an affected herd in regard to epidemiological investigation and the development of epidemiological tracings for animal movements into and out of the feedlot. (3-31-22)

211. -- 219. (RESERVED)

220. DISPOSITION OF TUBERCULIN RESPONDING CATTLE, BISON, AND DOMESTIC CERVIDAE.

Cattle, bison, and domestic cervidae that respond to the tuberculin test shall be handled according to the UMR for bovine tuberculosis. (3-31-22)

221. -- 249. (RESERVED)

250. IDENTIFICATION OF REACTOR CATTLE AND BISON.

01. "T" Branding and Tagging. Reactor cattle and bison shall be identified by branding the letter "T" on the left hip near the tailhead, not less than two (2) inches and not more than three (3) inches high, and by tagging with an approved metal eartag bearing a serial number and inscription "U.S. Reactor" or a similar State reactor tag suitably attached to the left ear of each animal. (3-31-22)

02. Shipping Without Branding. In lieu of branding, the reactor(s) may be shipped to slaughter in an officially sealed vehicle or accompanied to slaughter by a state or federal animal health official provided such reactor(s) have the letters "TB" sprayed on the left hip with yellow paint. (3-31-22)

251. -- 259. (RESERVED)

260. IDENTIFICATION OF EXPOSED CATTLE AND BISON.

Cattle and bison exposed to bovine tuberculosis are to be identified in the following manner: (3-31-22)

01. "S" Branding and Tagging. To be eligible for federal indemnity, exposed cattle and bison shall be identified by branding the letter "S" on the left hip near the tailhead, not less than two (2) inches nor more than three (3) inches high, and by tagging with an approved metal eartag bearing a serial number attached to either ear of each animal. (3-31-22)

02. Shipping Without Branding. In lieu of branding, such animals may be accompanied to slaughter by a state or federal animal health official or be shipped in vehicles sealed with official seals. (3-31-22)

261. -- 299. (RESERVED)

300. RETESTING OF HIGH-RISK HERDS.

Retesting schedules for high-risk herds of cattle and bison are determined pursuant to the UMR for bovine tuberculosis. (3-31-22)

301. -- 399. (RESERVED)

401. IDAHO APPROVED FEEDLOT.

Cattle and domestic bison of unknown Tuberculosis test status may be fed for slaughter only in an Approved Feedlot, with no provisions for pasturing, grazing, or removal from the feedlot other than to slaughter. Requirements to obtain status as and operate an Idaho Approved Feedlot are pursuant to IDAPA 02.04.20.200. (3-31-22)

402. APPLICATION FOR DESIGNATION AS AN APPROVED FEEDLOT

Applications for Approved Feedlot status are made on forms available from the Administrator. (3-31-22)

403. ADMINISTRATOR APPROVAL.

The Administrator may approve feedlot applications after the feedlot has been inspected by state or federal animal health officials and: (3-31-22)

01. Cattle Secured. The feedlot management has demonstrated that cattle of unknown Tuberculosis test status can be secured in the feedlot; and (3-31-22)

02. Adequate Records. Feedlot records are adequate to show the origin and disposition of the cattle in the feedlot; and (3-31-22)

03. Adequate Resources. The Administrator determines that the Division of Animal Industries has adequate human and fiscal resources to assure that the feedlot abides by the provisions of this chapter; and (3-31-22)

04. Past History. The Administrator may take any past enforcement or violation history into consideration when making the final determination of whether or not to approve a feedlot. (3-31-22)

404. APPROVED FEEDLOT NUMBER.

Feedlots approved by the Administrator will receive an Idaho Approved Feedlot Number. (3-31-22)

405. EXPIRATION OF APPROVED STATUS.

Approved Feedlot status expires on September 1 of each year. It is the responsibility of feedlot management to apply each year for renewal of approved status. (3-31-22)

406. -- 499. (RESERVED)

500. MOVEMENT OF INFECTED AND EXPOSED CATTLE, DOMESTIC CERVIDAE, OR BISON.

All movement of infected or exposed cattle, domestic cervidae, or bison is on a restricted movement permit in accordance with the UMR for bovine tuberculosis. (3-31-22)

501. -- 999. (RESERVED)

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.04.26 – RULES GOVERNING THE PUBLIC EXCHANGE OF LIVESTOCK

DOCKET NO. 02-0426-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo](#)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224](#)(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections [25-203](#), [25-305](#), [25-401](#), [25-601](#), [25-1723](#)(b), and [25-3520](#), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

These rules are being presented for approval as part of the ISDA's plan to review each rule every 5 years. Amendments were identified by the agency and presented to stakeholders and are consistent with the Governor's Zero-Based Regulation Executive Order. Negotiated rulemaking meetings were held on June 30 and July 14 with broad stakeholder participation.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 101-116](#).

FEES SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

There are no fees associated with this rule.

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:

There is no fiscal impact due to this administrative rule.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Lloyd Knight, (208)332-8615.

DATED this 7th day of January, 2026.

Lloyd B. Knight
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, ID 83707
Phone: (208)332-8615
Email: Lloyd.knight@isda.idaho.gov

THE FOLLOWING NOTICE PUBLISHED WITH THE 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 25-203](#), [25-305](#), [25-401](#), [25-601](#), [25-1723\(b\)](#), and [25-3520](#), 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 15, 2025.

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:

These rules are being presented for approval as part of the ISDA's plan to review each rule every 5 years. Amendments were identified by the agency and presented to stakeholders and are consistent with the Governor's [Zero-based Regulation Executive Order](#). Negotiated rulemaking meetings were held on June 30 and July 14 with broad stakeholder participation.

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

There are no fees associated with this rule.

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:

There is no fiscal impact due to this administrative rule.

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 May 7, 2025 Idaho Administrative Bulletin, [Volume 25-5, p 33-34](#).

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:

CFR Title 9 is incorporated due to requirements from the federal government on livestock disease management.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lloyd Knight, (208)332-8615.

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 October 22, 2025.

DATED this 1st day of October, 2025.

THE FOLLOWING IS THE TEXT OF ZBR DOCKET NO. 02-0426-2501

02.04.26 – RULES GOVERNING THE PUBLIC EXCHANGE OF LIVESTOCK

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 25-203, 25-305, 25-401, 25-601, 25-1723(b), and 25-3520, Idaho Code. (3-15-22)()

001. ~~TITLE AND SCOPE.~~

01. **~~Title.~~** The title of this chapter is “Rules Governing the Public Exchange of Livestock.” (3-15-22)

02. **~~Scope.~~** These rules govern the record keeping of livestock dealers and facilities, record keeping, identification, quarantine and movement of livestock through buying stations, trader lots and livestock markets. (3-15-22)()

002. -- 109. (RESERVED)

SUBCHAPTER A – LIVESTOCK DEALERS, BUYING STATIONS, AND LIVESTOCK TRADER LOTS

110. DEFINITIONS.

The definitions apply in the interpretation and enforcement of Subchapter A only. (3-15-22)

01. Accredited Veterinarian. A veterinarian approved by the Idaho State Department of Agriculture (ISDA) Administrator of the Division of Animal Industries (Administrator) and the USDA/APHIS/VS United States Department of Agriculture (USDA)/Animal and Plant Health Inspection Service (APHIS)/Veterinary Services (VS), in accordance with provisions of Title 9, Part 161, Code of Federal Regulations, to perform functions of State-Federal animal disease control programs. (3-15-22)()

02. Approved Slaughter Establishment. A USDA inspected slaughter establishment where ante-mortem and post-mortem inspection is conducted by USDA inspectors. (3-15-22)

03. Cattle. All domestic bovidae including domestic bison, owned by a person. (3-15-22)()

04. Domestic Bison. All animals in the genus *Bison* owned by a person. (3-15-22)

054. Domestic Cervidae. Elk, fallow deer, and reindeer owned by a person. (3-15-22)

06. Epithelioma of the Eye. A carcinoma of the eye of cattle commonly known as cancer eye. (3-15-22)

07. Federal Animal Health Official. An employee of USDA/APHIS/VS who is authorized to perform animal health activities. (3-15-22)

08. Interstate Movement. Movement of livestock from Idaho into any other state, territory or the District of Columbia, or from any other state, territory or the District of Columbia into Idaho. (3-15-22)

095. Livestock. Cattle, domestic bison, swine, horses, mules, asses, domestic cervidae, sheep, goats, camelids, and ratites. (3-15-22)

10. **Lump Jaw.** Condition also known as actinomycosis in cattle. (3-15-22)

11. **Official Ear Tag.** APHIS approved identification ear tags conforming to the alphanumeric national uniform ear tagging system including official brucellosis vaccination ear tags, or NAIS compliant ear tags, that provide unique identification for each animal. (3-15-22)

1206. **Official Identification.** Official USDA approved ear tag, USDA Baettag, breed registration tattoo, A nationally unique number, usually affixed to an APHIS approved device, that is permanently associated with an animal or group of animals that adheres to an identity standard or identification method approved by the Administrator. (3-15-22)()

13. **Official Brucellosis Vaccination Ear Tag.** An APHIS approved identification ear tag conforming to the alphanumeric national uniform ear tagging system that provides unique identification for each animal. (3-15-22)

14. **Operator.** The person who has authority to manage or direct a buying station or livestock trader lot. (3-15-22)

15. **Owner.** The person who owns or has financial control of a buying station, livestock trader lot or cattle. (3-15-22)

16. **Parturient.** Visibly prepared to give birth or within two (2) weeks before giving birth. (3-15-22)

17. **Postparturient.** Having already given birth. (3-15-22)

1807. **Premises.** The ground, area, buildings, corrals, and equipment utilized to keep, hold, or maintain animals. (3-15-22)

1908. **Previous Location.** The premises where cattle were confined immediately prior to delivery to a buying station, livestock trader lot, or purchase by a livestock dealer. (3-15-22)

2009. **Restraint.** The confinement of cattle in a chute, or other device, for the purpose of efficiently, effectively, and safely inspecting, treating, vaccinating, or testing. (3-15-22)

2110. **State Animal Health Official.** The Administrator, or his designee, responsible for disease control and eradication activities. (3-15-22)

2211. **Test Eligible.** Unless otherwise specifically provided in these rules, all sexually intact cattle and domestic bison ~~eighteen twelve~~ (1812) months of age and over, and all parturient, and postparturient cattle and domestic bison regardless of age. (3-15-22)()

2312. **USDA Backtag.** A backtag issued by APHIS that conforms to the eight-character alphanumeric National Backtagging System that provides unique identification for each animal. (3-15-22)

11. **ABBREVIATIONS.**

01. **APHIS.** Animal and Plant Health Inspection Service. (3-15-22)

02. **AVIC.** Area Veterinarian In Charge. (3-15-22)

03. **CAFO.** Concentrated Animal Feeding Operation. (3-15-22)

04. **CFR.** Code of Federal Regulations. (3-15-22)

05. **NAIS.** National Animal Identification System. (3-15-22)

06. **USDA.** United States Department of Agriculture. (3-15-22)

07. VS. Veterinary Services. (3-15-22)

1121. -- 119. (RESERVED)

120. APPLICABILITY.

Subchapter A applies to livestock dealers, buying stations, and livestock trader lots operating in Idaho. (3-15-22)

121. -- 129. (RESERVED)

130. INSPECTIONS.

To prevent the introduction and dissemination, or to control and eradicate diseases, State and federal animal health officials are authorized to inspect livestock all records, premises, facilities, and livestock to ensure compliance with the provisions of this chapter and other state or federal laws or rules applicable to livestock dealers, buying stations and livestock trader lots. (3-15-22) ()

01. Entering and Inspection of Premises. In order to conduct activities authorized by this chapter, State or federal animal health officials are authorized to enter buying stations or livestock trader lots. State or federal officials and will attempt to notify the owner or operator of the premises prior to conducting an a facility or records inspection. In an emergency, as determined by the Administrator, prior notification will not be required. (3-15-22) ()

02. Inspecting Records. To ensure compliance with the provisions of this chapter, state or federal animal health officials are authorized to access, inspect, review, and copy any records deemed necessary during normal business hours. State or federal animal health officials will attempt to notify the owner or operator of the premises prior to inspecting records. (3-15-22)

03. Emergencies. In the event of an emergency, as determined by the Administrator, the notification requirements of this section are not required. (3-15-22)

131. -- 139. (RESERVED)

140. LIVESTOCK TREATMENT.

Each livestock dealer, buying station and livestock trader lot shall humanely treat all livestock. All non-ambulatory livestock shall be: (3-15-22)

- 01. Returned.** Returned to premises of origin; or (3-15-22)
- 02. Fed and Watered.** Provided adequate feed and clean water; or (3-15-22)
- 03. Euthanized.** Humanely euthanized. (3-15-22)

141. -- 149. (RESERVED)

150. DEAD ANIMAL DISPOSAL.

The movement and disposal of all dead animals shall be pursuant to the provisions of IDAPA 02.04.17, "Rules Governing Dead Animal Movement and Disposal." (3-15-22)

151. -- 159. (RESERVED)

160. ENVIRONMENTAL REQUIREMENTS.

All buying stations and livestock trader lots shall meet the provisions of IDAPA 02.04.15, "Rules Governing Beef Cattle Animal Feeding Operations." (3-15-22)

161. -- 199. (RESERVED)

200. LIVESTOCK DEALERS RECORDS.

Livestock dealers that do not operate buying stations or livestock trader lots shall keep complete and accurate records such that cattle purchased may be traced to the previous location, previous owner and the subsequent owner. Records must be maintained for a period of not less than two (2) years and shall be made available to the Administrator upon request. (3-15-22)()

201. -- 209. (RESERVED)

220. CONTENT OF RECORDS.

Livestock dealer records shall include, but are not limited to:

(3-15-22)

01. Owner Name, Telephone Number, and Address. The name, telephone number, and address of the owner of the cattle prior to purchase by the livestock dealer. (3-15-22)()

02. Identification. All cattle shall be identified to their previous location with a form of identification approved by the Administrator. (3-15-22)

03. Address of Previous Location. The location where cattle were held prior to purchase by the livestock dealer shall be either the NAIS premises identification number or the physical address. (3-15-22)()

04. The Date of Purchase. The date individual cattle were purchased. (3-15-22)

05. Date of Sale. Date individual cattle were sold or changed ownership. (3-15-22)

06. Name, Telephone Number, and Address of the Purchaser of Cattle. The name, telephone number, and address of the person that purchased cattle from the livestock dealer. (3-15-22)

07. Death Loss. An accurate account of all death loss, including identification, and disposition of the dead cattle. (3-15-22)

221. -- 229. (RESERVED)

230. RECORDS RETENTION.

Livestock dealers shall retain all records relating to cattle for a period of not less than two (2) years. Records must be made available to the administrator upon request. (3-15-22)

231. -- 239. (RESERVED)

240. APPROVED FORMS OF IDENTIFICATION.

The following are approved forms of identification.

(3-15-22)

01. USDA Approved Backtag Official Identification. (3-15-22)()

02. Official USDA Ear Tag. (3-15-22)

03. Registration Tattoo. Breed registration tattoo and corresponding registration papers. (3-15-22)

04. Brand Inspection. Statement of ownership such as a brand inspection certificate. (3-15-22)

05. Administrator Approval. The Administrator may approve other forms of individual identification on a case-by-case basis. (3-15-22)

06. Removal of Animal Official Identification. No approved or official animal identification shall be removed, tampered with or otherwise altered. (3-15-22)()

241. -- 299. (RESERVED)

300. APPROVED BUYING STATIONS.

No livestock dealer shall operate a buying station prior to submitting an application and receiving approval from the Administrator. Applications shall be submitted to ISDA on a department-approved form. All cattle entering the buying station shall be shipped to an approved slaughter establishment within seven (7) days of arrival at the buying station. (3-15-22)()

301. APPLICATION FOR DESIGNATION AS AN IDAHO APPROVED BUYING STATION. (RESERVED)

Application for designation as an Idaho approved buying station shall be made on application forms available from the Administrator. (3-15-22)

302. ADMINISTRATOR APPROVAL.

State or federal animal health officials will inspect all buying stations. Prior to approval by the Administrator, all facilities must be inspected by state officials to verify compliance with all buying station laws and rules. The Administrator may take any past enforcement or violation history of the owner or operator of the buying station facility may be taken into consideration when making the final approval determination. (3-15-22)()

303. APPROVED BUYING STATION NUMBER.

The license number To operate an approved buying station, the applicant must also hold an active livestock dealer license, issued to the livestock dealer by the State Brand Board, which will be used to identify the approved buying station. (3-15-22)()

304. EXPIRATION OF APPROVED STATUS.

Approved buying station status will remain in effect unless the status is revoked by the Administrator or there is a change in ownership or operator expire on September 1 of each year. If there is a change in ownership or operator, iIt is the responsibility of the new buying station owner or operator to apply for reinstatement of management to apply each year for renewal of approved status. (3-15-22)()

305. REVOCATION OF APPROVED BUYING STATION STATUS.

In addition to any other Department administrative or civil action, tThe Administrator may withdraw or deny the approval of any buying station, by notifying the owner in writing, when one (1) or more of the following conditions exist: (3-15-22)()

01. Recordkeeping Requirements. There is evidence that the owner or operator of the buying station violated the recordkeeping requirements of this rule, or animal health regulations. (3-15-22)

02. Inability to Trace Animals. There is a repeated history of an inability to trace the affected, exposed or reactor cattle handled by the buying station to the previous location and owner. (3-15-22)()

03. Violations. A buying station violates any of the provisions of Subchapter A. (3-15-22)

04. Owner Request. Owners may have the Requests to revoke approved status revoked by emptying the buying station and requesting in writing that the status be revoked may be submitted in writing. (3-15-22)()

05. Regulation Changes. Idaho approved buying station status may be revoked as required by changes in state or federal rules or regulations. (3-15-22)

306. DISPOSITION OF CATTLE.

When approved buying station status is revoked, cattle still in the buying station shall be removed directly to an approved slaughter establishment within seven (7) days. (3-15-22)

307. -- 314. (RESERVED)

315. IDENTIFICATION.

All cattle shall be individually identified with an official USDA backtag immediately upon arrival at a buying station. Animal identification is to be maintained to slaughter and shall not be removed, tampered with or otherwise altered. (3-15-22)

316. -- 319. (RESERVED)

320. BUYING STATION RECORDS.

Each buying station shall keep sufficient records of all livestock that enter, leave, or die on the premises to enable state or federal animal health officials to trace such animals satisfactorily to their previous location. Buying stations shall keep complete and accurate records such that cattle purchased may be traced to the previous location or owner. Records must be maintained for a period of not less than two (2) years and shall be made available to the Administrator upon request. (3-15-22) ()

321. CONTENT OF RECORDS -- BUYING STATIONS.

Buying station records shall include, but are not limited to:

(3-15-22)

01. Owner Name, Telephone Number, and Address. The name, telephone number, and address of: (3-15-22) ()

a. The owner of the livestock entering the buying station; and (3-15-22)

b. The person delivering the livestock to the buying station. (3-15-22)

02. Individual Identification. Individual USDA Backtag number for each animal entering the buying station. (3-15-22)

03. Address of Previous Location. The location where cattle were held prior to purchase by the buying station shall be either the NAIS premises identification number or the physical address. (3-15-22) ()

04. The Date of Entry to Buying Station. The date individual cattle enter a buying station. (3-15-22) ()

05. Date of Shipment to Slaughter. (3-15-22)

06. Approved Slaughter Establishment Destination. Name and address of the approved slaughter establishment. (3-15-22) ()

07. Death Loss. An accurate account and description of all death loss, including individual the official identification number and disposition of the dead cattle. (3-15-22) ()

08. Dead Animals. An accurate description, including any forms of identification, of any dead animals that are left at the buying station by other persons. (3-15-22)

322. BUYING STATION RECORDS RETENTION.

All records relating to cattle that have been in the buying station facility shall be retained for a period of not less than two (2) years. Records must be made available to the administrator upon request. (3-15-22)

323. -- 329. (RESERVED)

330. CATTLE SUBJECT TO QUARANTINE -- BUYING STATIONS.

No cattle that have reacted to the brucellosis or tuberculosis test, or cattle affected with, or suspected of being affected with a foreign animal or reportable disease, shall be allowed to enter, occupy, or be sold from a buying station unless permitted by the Administrator. (3-15-22) ()

331. -- 339. (RESERVED)

340. PREMISES REQUIREMENTS.

An approved buying station shall meet the following requirements:

(3-15-22)

01. Restraint System. A restraint system, approved by the Administrator, for humanely, efficiently and effectively restraining livestock for the purpose of inspecting, identifying or testing of animals by state or federal

animal health officials.

(3-15-22)()

02. Feed and Water. Provide access to a clean source of water sufficient for the number of animals present, and an adequate quality and quantity of feed for all cattle that are on the premises for over twelve (12) hours. (3-15-22)

03. Pens. Comply with IDAPA 02.04.15, "Rules Governing Beef Cattle Animal Feeding Operations," and pens that contain cattle on the premises for over twelve (12) hours provide adequate pen space for the cattle to rest and ruminate, and provide adequate drainage. (3-15-22)

043. Fences. Construct and maintain fences sufficient to prevent the escape of livestock from the premises, as determined by the Administrator. (3-15-22)()

05. Condition. Maintain premises in good repair. (3-15-22)

341. -- 349. (RESERVED)

350. SANITATION.

All buying stations shall be maintained in a sanitary condition. The buying station shall provide the necessary equipment to clean and disinfect the premises, and the owner or operator of the buying station shall clean and disinfect the premises at the direction of the Administrator. (3-15-22)

351. -- 359. (RESERVED)

360. SIGNAGE.

Each buying station shall comply with the following signage requirements: (3-15-22)

01. Wording. Signs state "ALL CATTLE ENTERING THIS FACILITY SHALL GO DIRECTLY TO SLAUGHTER." (3-15-22)

02. Color. Lettering in red and not less than four (4) inches in height on a white background. (3-15-22)

03. Location. Signs placed prominently at each entrance, exit, and cattle loading or unloading facility. (3-15-22)

361. -- 369. (RESERVED)

370. LOCATION OF BUYING STATIONS.

All buying stations shall be located separate and apart from any other cattle handling facilities, as determined by the Administrator, that handle to clearly distinguish from any cattle not destined to slaughter within seven (7) days. (3-15-22)()

371. -- 499. (RESERVED)

500. APPROVED LIVESTOCK TRADER LOTS.

All livestock dealers licensed by the Idaho State Brand Board shall receive approval from the Administrator as an Idaho approved feedlot or approved livestock trader lot if the following conditions exist: receiving cattle of unknown disease status or selling brucellosis test eligible cattle to destinations other than an approved slaughter establishment, an approved livestock market, an Idaho approved feedlot, or out of the state of Idaho. (3-15-22)()

01. Cattle Are Received. Cattle of unknown disease status are received from the farm or ranch of origin. (3-15-22)

02. Sold to Individuals. Brucellosis test eligible cattle are sold and transported to destinations other than an approved slaughter establishment, a specifically approved livestock market, an Idaho approved feedlot, or out of the state of Idaho. (3-15-22)

501. APPLICATION FOR APPROVED LIVESTOCK TRADER LOT STATUS.

Application for approved livestock trader lot status is made on application forms available from the Administrator. No livestock dealer shall operate a livestock trader lot prior to submitting an application and receiving approval from the Administrator. Applications shall be submitted to ISDA on a department-approved form. (3-15-22)()

502. ADMINISTRATOR APPROVAL.

The Administrator may approve livestock trader lot applications after state or federal animal health officials have inspected the trader lot facility and: (3-15-22)

01. Adequate Facilities. The livestock dealer has demonstrated that cattle can be secured and restrained in the facility. (3-15-22)

02. Adequate Records. The livestock dealer's records are adequate to show the origin and disposition of the cattle that enter the facility. (3-15-22)

03. Past History. The Administrator may take any past enforcement or violation history of the owner or operator of the livestock trader lot into consideration when making the final approval determination. (3-15-22)

503. APPROVED LIVESTOCK TRADER LOT NUMBER.

The license number To operate an approved livestock trader lot, the applicant must also hold an active livestock dealer license issued by the State Brand Board to livestock dealers which shall be used to identify the livestock trader lot. (3-15-22)()

504. EXPIRATION OF APPROVED STATUS.

Approved livestock trader lot status remains in effect unless there is a material change in operation, as determined by the Administrator, or the status is revoked by the Administrator. If there is a material change in operation, as determined by the Administrator, it is the responsibility of the livestock dealer to apply for reinstatement of approved status will expire on September 1 of each year. It is the responsibility of trader lot management to apply each year for renewal of approved status. (3-15-22)()

505. -- 519. (RESERVED)

520. IDENTIFICATION.

All cattle shall be identified, to their previous location, with a form of identification approved by the Administrator immediately upon arrival at a livestock trader lot. Animal identification is to be maintained and not be removed, tampered with, or otherwise altered at the approved livestock trader lot. (3-15-22)()

521. APPROVED FORMS OF IDENTIFICATION.

The following are approved forms of individual identification. (3-15-22)

01. USDA Approved-Backtag Official Identification. All brucellosis test eligible cattle shipped to approved slaughter establishments must be individually identified with an approved USDA Backtag. (3-15-22)()

02. Official USDA Ear Tag. (3-15-22)

03. Registration Tattoo. A breed registration tattoo accompanied by registration papers. (3-15-22)

04. Brand Inspection. Statement of ownership such as a brand inspection certificate. (3-15-22)

05. Administrator Approval. The Administrator may approve other forms of identification on a case-by-case basis. (3-15-22)

06. Removal of Individual Animal Official Identification. No approved animal identification shall be removed, tampered with or otherwise altered (3-15-22)()

522. CONTENT OF RECORDS FOR APPROVED LIVESTOCK TRADER LOTS.

All approved livestock trader lots shall keep accurate and complete records such that cattle purchased may be traced

to the previous location or owner. Records must be maintained for a period of not less than two (2) years and shall be made available to the Administrator upon request of all cattle that enter, leave, or die on the premises. These records shall readily show: (3-15-22)()

01. **Owner Name, Telephone Number, and Address.** The name, telephone number, and address of: (3-15-22)()
 - a. The owner of the cattle prior to acquisition by the livestock dealer; and (3-15-22)
 - b. The person delivering the cattle to the livestock trader lot. (3-15-22)
02. **Identification.** Identification, approved by the Administrator, for the cattle entering the livestock trader lot. (3-15-22)
03. **Address of Previous Location.** The location where cattle were held prior to entering the livestock trader lot shall be either the NAIS premises identification number or the physical address of the premises. (3-15-22)()
04. **The Date of Entry.** The date the cattle enter a livestock trader lot. (3-15-22)
05. **Date of Shipment Out of the Livestock Trader Lot.** (3-15-22)
06. **Name, Telephone Number, and Address of Shipment Destination.** (3-15-22)
07. **Death Loss.** An accurate account and description of all death loss, including identification and disposition of the dead cattle. (3-15-22)()
08. **Dead Animals.** An accurate description of any dead animals, including any forms of identification, that are left at the livestock trader lot by other persons. (3-15-22)
09. **Regulatory Requirements.** That all applicable state and federal permit, test, examination, identification and vaccination requirements have been met prior to leaving the approved trader lot. (3-15-22)()

523. TRADER LOT RECORDS RETENTION.

Livestock trader lots shall retain their records for a period of not less than two (2) years following removal of the cattle from the premises. Records must be made available to the administrator upon request. (3-15-22)

5243 -- 529. (RESERVED)

530. CATTLE SUBJECT TO QUARANTINE -- TRADER LOTS.

No cattle that have reacted to the brucellosis or tuberculosis test, or animals affected with, or suspected of being affected with a foreign animal or reportable disease shall be allowed to enter, occupy, or be sold from a livestock trader lot, unless permitted by the Administrator. (3-15-22)()

531. -- 539. (RESERVED)

540. REMOVAL REQUIREMENTS.

All brucellosis test eligible cattle that are removed from an approved livestock trader lot shall be accompanied by a certificate of veterinary inspection issued by an accredited veterinarian prior to removal, except: (3-15-22)()

01. **Livestock Markets.** Cattle shipped directly to a specifically an approved livestock market. (3-15-22)()
02. **Slaughter.** Cattle shipped directly to an approved slaughter establishment. All cattle destined for slaughter must be individually identified with an approved USDA Backtag. (3-15-22)()
03. **Approved Feedlots.** Cattle shipped directly to an Idaho approved feedlot. (3-15-22)

541. LIVESTOCK DEALER'S DUTY.

It is the duty of a livestock dealer to ensure that all livestock removed from a livestock trader lot are in compliance with the animal health requirements of the state of Idaho and the point of destination prior to departure. (3-15-22)()

542. -- 549. (RESERVED)

550. LIVESTOCK TRADER LOT PREMISES.

Approved livestock trader lots shall meet have and maintain the following requirements: (3-15-22)()

01. Restraint System. A restraint system, approved by the Administrator, for humanely, efficiently and effectively restraining cattle for the purpose of inspecting, identifying, treating or testing of animals by state or federal animal health officials. (3-15-22)()

02. Feed and Water. Provide access to a clean source of water sufficient for the number of cattle present, and an adequate quality and quantity of feed for all cattle on the premises for over twelve (12) hours. (3-15-22)

03. Pens. Comply with IDAPA 02.04.15, "Rules Governing Beef Cattle Animal Feeding Operations," and pens that contain cattle on the premises for over twelve (12) hours provide adequate pen space for the cattle to rest and ruminate and be adequately drained. (3-15-22)

04.3. Fences. Construct fences Containment sufficient to prevent the escape of cattle from the premises, as determined by the Administrator. (3-15-22)()

05. Condition. Maintain premises in good repair. (3-15-22)

551. -- 559. (RESERVED)

560. SANITATION.

All livestock trader lots shall be maintained in a sanitary manner. The livestock dealer shall provide the necessary equipment to clean and disinfect the premises, and the livestock dealer shall clean and disinfect the premises at the direction of the Administrator. (3-15-22)

561. -- 569. (RESERVED)

570. REVOCATION OF APPROVED STATUS.

In addition to any other Department administrative or civil action, tThe Administrator may withdraw or deny the approval of any livestock trader lot by notifying the dealer in writing when one or more of the following conditions exist: (3-15-22)()

01. Recordkeeping Requirements. There is evidence that the livestock dealer violated the recordkeeping requirements of this rule or animal health regulations. (3-15-22)

02. Inability to Trace Animals. There is a repeated history of inability to trace to the affected, exposed, or reactor cattle that enter the livestock trader lot to the previous location and owner. (3-15-22)()

03. Violations. A livestock dealer violates any of the provisions of Subchapter A. (3-15-22)

04. Dealer Request. The livestock dealer may have the approved status revoked by emptying the livestock trader lot and requesting in writing that the status be revoked. Requests to revoke approved status may be submitted in writing. (3-15-22)()

05. Regulation Changes. Approved trader lot status may be revoked as required by changes in state or federal rules or regulations. (3-15-22)

571. -- 603. (RESERVED)

SUBCHAPTER B – LIVESTOCK MARKETING

604. INCORPORATION BY REFERENCE.

The following document is incorporated by reference into Subchapter B, sections 604-770 only: (3-15-22)

01. Incorporated Documents. The following documents are incorporated by reference: Code of Federal Regulations, Title 9, Parts 71, 75, 77, 78, 85, and 161, CFR, January 1, 2003, which can be viewed online at <https://www.govinfo.gov/content/pkg/CFR-2003-title9-vol1/pdf/CFR-2003-title9-vol1-chapI.pdf>. (3-15-22)

605. -- 609. (RESERVED)

610. DEFINITIONS.

In addition to the definitions found in Idaho Code sections 25-239 and 25-1721, the following definitions apply in the interpretation and enforcement of Subchapter B only: (3-15-22)

01. Accredited Veterinarian. ~~A veterinarian approved by the Administrator and the USDA/APHIS/VS, in accordance with the provisions of Title 9, Part 161, Code of Federal Regulations, to perform functions of State-Federal animal disease control programs.~~ (3-15-22)

021. Approved Slaughter Establishment. A USDA inspected slaughter establishment where ante-mortem and post-mortem inspections are conducted by USDA inspectors. (3-15-22)

03. Brucellosis. ~~An infectious disease of animals and humans caused by bacteria of the genus *Brucella*.~~ (3-15-22)

042. Cattle. All domestic bovidae, including domestic bison, owned by a person. (3-15-22)(____)

05. Domestic Bison. All animals in the genus *Bison* owned by a person. (3-15-22)

063. Domestic Cervidae. Elk, fallow deer, and reindeer owned by a person. (3-15-22)

07. Epithelioma of the Eye. ~~Carcinoma of the eye of cattle commonly known as cancer eye.~~ (3-15-22)

08. Federal Animal Health Official. ~~An employee of USDA/APHIS/VS who is authorized to perform animal health activities.~~ (3-15-22)

09. Herd. ~~Any group of livestock maintained on common ground, or two (2) or more groups of livestock under common ownership or supervision that are geographically separated from other groups but can have an interchange or movement without regard to health status.~~ (3-15-22)

10. Interstate Movement. ~~Movements of livestock from Idaho into any other state, territory or the District of Columbia or from any other state, territory or the District of Columbia into Idaho.~~ (3-15-22)

1104. Livestock. Cattle, domestic bison, swine, horses, mules, asses, domestic cervidae, sheep, goats, camelids, and ratites. (3-15-22)

12. Lump Jaw. ~~A condition known as actinomycosis or actinobacillosis in cattle.~~ (3-15-22)

13. Official Ear Tag. ~~An APHIS approved identification ear tag conforming to an alphanumeric national uniform ear tagging system, that provides unique identification for each animal.~~ (3-15-22)

1405. Official Individual Identification. ~~Official USDA approved ear tag, USDA back tag, registration tattoo, or identification A nationally unique number, usually affixed to an APHIS approved device, that is permanently associated with an animal or group of animals that adheres to an identity standard or method~~ approved by the Administrator. (3-15-22)(____)

15. Official Vaccination Ear Tag. An APHIS approved identification ear tag conforming to the alphanumeric national uniform ear tagging system that provides unique identification for each animal. (3-15-22)

16. Operator. The person who has authority to manage or direct a public livestock market. (3-15-22)

17. Owner. The person who owns or has financial control of a public livestock market. (3-15-22)

1806. Restraint. The confinement of livestock in a chute, or other device, for the purpose of efficiently, effectively, and safely inspecting, treating, vaccinating, or testing. (3-15-22)

1907. State Animal Health Official. The Administrator, or his designee, responsible for disease control and eradication activities. (3-15-22)

2008. Tuberculosis. An infectious disease of humans and animals caused by *Mycobacterium bovis*. (3-15-22)

2109. USDA Back Tag. A back tag issued by APHIS that conforms to the eight (8) character alphanumeric National Back Tagging System and that provides unique identification for each animal. (3-15-22)

611. -- 629. (RESERVED)

630. INSPECTIONS.

~~To prevent the introduction and dissemination, or to control and eradicate diseases, s~~ State and federal animal health officials are authorized to inspect ~~livestock all~~ records, premises, facilities, and livestock to ensure compliance with the provisions of Subchapter B and other state or federal laws or rules applicable to public livestock markets. (3-15-22) ()

01. Entering and Inspection of Premises. ~~In order to conduct activities authorized by Subchapter B, s~~ State or federal animal health officials are authorized to enter public livestock market premises during normal business hours ~~and will attempt to notify the owner or operator of the premises prior to conducting a facility or records inspection. In an emergency, as determined by the Administrator, prior notification will not be required.~~ (3-15-22) ()

02. Inspecting Records. ~~To ensure compliance with the provisions of Subchapter B, state or federal animal health officials are authorized, during normal business hours, to have access to, inspect, review, and copy any livestock records deemed necessary.~~ (3-15-22)

631. -- 639. (RESERVED)

640. LIVESTOCK TREATMENT.

Each public livestock market shall humanely treat all livestock. All non-ambulatory livestock shall be: (3-15-22)

01. Returned to the Owner. ~~Returned to the owner; or~~ (3-15-22) ()

02. Provided Adequate Feed and Clean Water. ~~Provided adequate feed and clean water; or~~ (3-15-22) ()

03. Humanely Euthanized. ~~Humanely euthanized, and disposed of in accordance with IDAPA 02.04.17 “Rules Governing Dead Animal Movement and Disposal.”~~ (3-15-22) ()

641. -- 649. (RESERVED)

650. DEAD ANIMAL DISPOSAL.

~~The movement and disposal of all dead animals shall be pursuant to the provisions of IDAPA 02.04.17 “Rules Governing Dead Animal Movement and Disposal.”~~ (3-15-22)

651. -- 659. (RESERVED)

660. ENVIRONMENTAL REQUIREMENTS.

All public livestock markets shall meet the provisions of IDAPA 02.04.15 "Rules Governing Beef Cattle Animal Feeding Operations." (3-15-22)

661. -- 699. (RESERVED)

700. PUBLIC LIVESTOCK MARKET CHARTER.

No person shall conduct or operate a public livestock market without first securing a charter from the Department. Charters expire on April 30 of each year. It is the responsibility of the public livestock market operator to apply each year for submit an annual charter renewal on a form prescribed by the Department. The charter renewal form must be on an approved form, accompanied by an annual market charter a renewal fee of one hundred dollars (\$100) and be received by the Department to ISDA on or before May 1 of each year. (3-15-22) ()

701. PUBLIC LIVESTOCK MARKET MINIMUM SALE REQUIREMENT.

Each chartered public livestock market shall conduct a minimum of one (1) sale during each calendar year. (3-15-22)

702. -- 709. (RESERVED)

710. MARKET RELEASE.

Prior to any livestock being released from a public livestock market, the following conditions shall be fulfilled: (3-15-22)

01. Veterinary Inspection. A visual inspection, of each animal, made by an accredited veterinarian authorized to provide veterinary services to the market. (3-15-22)

02. Affected Infectious Animals. Immediate isolation of animals determined to be affected by any infectious or contagious disease in quarantine pens subject to the market's bio-security protocol or any animals determined to be affected by any infectious or contagious disease. Infectious animals may not be removed from the livestock market until examined by an accredited veterinarian authorized to provide veterinary services to the market. (3-15-22) ()

03. Removal of Animals. Animals may not be removed from the livestock market until all animals determined to be affected with a contagious or infectious disease have been examined by an accredited veterinarian authorized to provide veterinary services to the market. (3-15-22)

043. Saleyard Release Form Report. Complete Submit an accurate and legible "saleyard release" form, certificate of veterinary inspection, or other market release mechanism report to ISDA, approved by the Administrator certifying that the animals meet the health requirements for movement to the point of destination, detailing the destination of all marketed animals. The saleyard report must be submitted within one (1) week of the completion of the sale. (3-15-22) ()

711. -- 714. (RESERVED)

715. BIO-SECURITY PLAN.

All public livestock markets shall submit a bio-security plan to the Administrator for approval. All approved bio-security plans shall be implemented and maintained by the public livestock market. Each bio-security plan includes, but is not limited to, the following elements: (3-15-22) ()

01. Identification Infectious Animals. Procedures for identifying, examining, diagnosing, and determining the disposition of all animals that are affected by any contagious or infectious disease. (3-15-22) ()

02. Diagnosis. Procedures for examination and diagnosis, by an accredited veterinarian, of any animals affected by any contagious or infectious disease. (3-15-22)

03. Disposition. Procedures for the disposition of any livestock diagnosed as affected by any

contagious or infectious disease. (3-15-22)

042. Records. Keep complete and Maintain accurate records, on site ~~at the livestock market, showing, that demonstrate~~ the market's bio-security plan is being implemented. (3-15-22)()

716. -- 719. (RESERVED)

720. IDENTIFICATION.

All livestock entering a public livestock market shall be individually identified to the herd of origin. (3-15-22)

721. APPROVED FORMS OF IDENTIFICATION.

The following are approved methods of identification. (3-15-22)

01. Back Tag USDA Approved Official Identification. USDA approved back tag; or (3-15-22)()

02. Ear Tag Official USDA ear tag; or (3-15-22)

03. Registration Tattoo; or (3-15-22)

043. Brand Inspection. Statement of ownership ~~such as a (e.g.,~~ brand inspection certificate). (3-15-22)()

054. Administrator Approval. The Administrator may approve other forms of identification on a case by case basis. (3-15-22)

065. Removal of Identification. ~~No animal identification may be~~ It is unlawful to intentionally removed, tampered with, or otherwise altered, livestock official identification except as approved by the Administrator. (3-15-22)()

722. -- 729. (RESERVED)

730. QUARANTINE PENS.

A quarantine pen or pens shall be provided at all public livestock markets and such pens used only to hold animals ~~that have reacted to the brucellosis or tuberculosis test or animals~~ affected with, or suspected of being affected with a contagious or infectious disease, ~~epithelioma of the eye, or lump jaw~~. The pens shall comply with the following requirements: (3-15-22)()

01. Hard Surface. Hard surfaced with concrete or similar impervious material in good repair; and (3-15-22)

02. Feed and Water. Adequate feed and clean water facilities that are completely separate from all other livestock; and (3-15-22)

03. Signage. Identified with the word "QUARANTINE" in red letters, not less than four (4) inches high, on a white background on the pen gate; and (3-15-22)

04. Cleaning and Disinfection. Cleaned and disinfected no later than the day following date of sale; and (3-15-22)

05. Fence Construction. Solid fences, constructed by boards or other material approved by the Administrator, and be a minimum of five and one-half (5 ½) feet high; and (3-15-22)

06. Drainage. Drainage shall not be onto adjoining pens, restraint facilities or alleys. (3-15-22)

731. -- 749. (RESERVED)

750. RESTRAINT FACILITIES.

Each public livestock market shall have a restraint system, approved by the Administrator, ~~for humanely, efficiently, and effectively restraining livestock for the purpose of inspecting, identifying, treating, or testing of animals by state or federal animal health officials.~~ (3-15-22)()

751. -- 759. (RESERVED)

760. SANITARY CONDITIONS.

All pens, alleys, troughs, restraint facilities, and runways shall be kept in a sanitary condition. Operators of public livestock markets shall clean and disinfect livestock market facilities, ~~under the supervision of a state or federal animal health official,~~ upon request by the Administrator. (3-15-22)()

761. -- 769. (RESERVED)

770. RECORDS.

Each public livestock market shall keep sufficient records of animals presented for sale to enable state or federal animal health officials to trace such animals satisfactorily to their herd of origin, and such records shall be maintained for a minimum of five (5) years. (3-15-22)

771. -- 999. (RESERVED)

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.06.01 – RULES GOVERNING THE PRODUCTION AND DISTRIBUTION OF SEED
DOCKET NO. 02-0601-2501 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo and Incorporation By Reference Synopsis \(IBRS\)](#)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224](#)(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections [22-108](#)(2), [22-418](#)(11), [22-2004](#), and [22-2006](#), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

These rules are being presented for approval as part of the ISDA's plan to review each rule every 5 years. Amendments were identified by the agency and presented to stakeholders and are consistent with the Governor's Zero-Based Regulation Executive Order. Negotiated rulemaking meetings were held on June 17 and July 15 with broad stakeholder participation.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 117-141](#).

FEES SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

No changes were made to the fees in this chapter.

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:

There is no fiscal impact due to the changes in this administrative rule.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Lloyd Knight, (208)332-8615.

DATED this 7th day of January, 2026.

Lloyd B. Knight
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, ID 83707
Phone: (208)332-8615
Email: Lloyd.knight@isda.idaho.gov

THE FOLLOWING NOTICE PUBLISHED WITH THE 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 22-108\(2\)](#), [22-418\(11\)](#), [22-2004](#), and [22-2006](#), 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 15, 2025.

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:

These rules are being presented for approval as part of the ISDA's plan to review each rule every 5 years. Amendments were identified by the agency and presented to stakeholders and are consistent with the Governor's [Zero-based Regulation Executive Order](#). Negotiated rulemaking meetings were held on June 17 and July 15 with broad stakeholder participation.

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

No changes were made to the fees in this chapter.

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:

There is no fiscal impact due to the changes in this administrative rule.

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 May 7, 2025 Idaho Administrative Bulletin, [Volume 25-5, p 35-36](#).

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 documents incorporated by reference are national or federal standards for seed health, sampling, analysis, testing, or export requirements. The documents include:

[Association of American Seed Control Officials \(AASCO\) Terms, Definitions, Model Bill and Regulations](#)
[Association of Official Seed Analysts \(AOSA\) Seed Testing Publications, Rules, and Handbooks](#)
[International Seed Testing Association \(ISTA\) Seed Testing Publications, Rules, and Handbooks \(for export only\)](#)
[National Seed Health System \(NSHS\) Practices, Approved Methods, and Criteria for seed health testing](#)
[USDA/APHIS Export Program Manual \(XPM\)](#)

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lloyd Knight, (208)332-8615.

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 October 22, 2025.

DATED this 1st day of October, 2025

THE FOLLOWING IS THE TEXT OF ZBR DOCKET NO. 02-0601-2501

02.06.01 – RULES GOVERNING THE PRODUCTION AND DISTRIBUTION OF SEED

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 22-108(2), 22-418(4), 22-418(11), 22-2004 and 22-2006, Idaho Code. (3-15-22)()

001. ~~TITLE AND SCOPE.~~

01. Title. The title of this chapter is “Rules Governing the Production and Distribution of Seed.” (3-15-22)

02. Scope. These rules govern procedures for sale or distribution of seed in Idaho, including rapeseed and bluegrass. These rules will also establish seed service testing fees for purity, germination, tetrazolium and special tests. (3-15-22)()

002. -- 109. (RESERVED)

SUBCHAPTER A – PURE SEED

110. DEFINITIONS.

In addition to the definitions set forth in Section 22-414, Idaho Code, the definition in Section 110 apply to the interpretation and enforcement of Subchapter A only: (3-15-22)

01. Condition. “Condition” means ~~d~~ Drying, cleaning, scarifying and other operations that could change the purity or germination of the seed and require the seed lot to be retested to determine the label information. (3-15-22)()

111. (RESERVED)

112. ~~METHODS OF SAMPLING – GENERAL PROCEDURE~~INCORPORATION BY REFERENCE.

01. Sample. In order to secure a representative sample, equal portions are taken from evenly distributed parts of the quantity of seed or screenings to be sampled with access to all parts of that quantity. When more than one (1) trierful of seed is drawn from a bag, different paths will be followed. When more than one (1) handful is taken from a bag, the handfuls will be taken from well-separated points. (3-15-22)

02. Free Flowing Seed. For free-flowing seed in bags or bulk, a probe or trier is used. For small free-flowing seed in bags a probe or trier long enough to sample all portions of the bag is used. (3-15-22)

03. Non-Free Flowing Seed. Non-free-flowing seed, such as certain grass seed, uncleaned seed or screenings difficult to sample with a probe or trier, is sampled by thrusting the hand into the bulk and withdrawing representative portions. The hand is inserted in an open position and the fingers are held closely together while the hand is being inserted and the portion withdrawn. (3-15-22)

04. Composite Samples. Composite samples will be obtained to determine the quality of a lot of seed (i.e., percentages of pure seed, other crop seed, weed seed, inert matter and germination). Individual bag samples may be obtained to determine if the lot of seed is uniform. (3-15-22)

a. To determine if there is an obvious lack of uniformity of seed from which a composite sample is being obtained, each portion will be examined and the portions then combined to form a composite sample or samples. (3-15-22)

b. If the lot is found not to be uniform when obtaining a composite sample to determine its quality then additional individual bag samples are taken for the purpose of testing for uniformity. (3-15-22)

c. Such individual bag samples may also be taken for the purpose of testing for uniformity even though a composite sample has not previously been obtained. The identity of each individual bag sample must be maintained. (3-15-22)

05. Bulk. Bulk seed or screenings are sampled by inserting a long probe or thrusting the hand into the bulk, as circumstances require, in at least seven (7) uniformly distributed parts of the quantity being sampled. At least as many handfuls or handfuls are taken as the minimum that would be required for the same quantity of seed or screenings in bags of a size customarily used for such seed or screenings. (3-15-22)

06. Bags. (3-15-22)

a. For lots of six (6) bags or less, each bag will be sampled with a total of at least five (5) handfuls taken. (3-15-22)

b. For lots of more than six (6) bags, five (5) bags plus at least ten percent (10%) of the number of bags in the lots will be sampled. (Round off numbers with decimals to the nearest whole number, raising five tenths (.5) to the next whole number.) Regardless of the lot size it is not necessary that more than thirty (30) bags be sampled. (3-15-22)

c. Samples are drawn from unopened bags except under circumstances where the identity of the seed has been preserved. (3-15-22)

07. Packets. In sampling seed in packets, entire unopened packets are taken. (3-15-22)

08. Size of Sample. (3-15-22)

a. For composite sample to test for quality, the following are minimum weights for samples of seed to be submitted for analysis, test or examination (3-15-22)

i. Two (2) ounces (approximately fifty five (55) grams) of grass seed not otherwise mentioned, white or alsike clover, or seeds not larger than these. (3-15-22)

ii. Five (5) ounces (approximately one hundred fifty (150) grams) of red or crimson clover, alfalfa, lespedezas, ryegrasses, bromegrasses, millet, flax, rape, or seeds of similar size. (3-15-22)

iii. One (1) pound of Sudangrass, sorghum, proso, hemp seed, or seeds of similar size. (3-15-22)

iv. Two (2) pounds (approximately one thousand (1,000) grams) of cereals, vetches, or seeds of similar or larger size. (3-15-22)

b. For individual bag samples to test for uniformity. (3-15-22)

i. The size of any individual bag sample to determine uniformity in a lot of seed is not less than the quantities set out in the "Rules and Regulations, under the Federal Seed Act" (53 Statute 1275) (Subsection 201.46). (3-15-22)

ii. If the sample drawn is larger than desired, it is thoroughly mixed before it is divided to the desired size. (3-15-22)

09. Forwarding and Receipt of Official Samples. Before being forwarded for analysis test or

examination, the containers of official samples shall be properly sealed and identified with the containers of official samples initialed and dated and the sample weighed by the person who breaks the seals. (3-15-22)

01. Association of American Seed Control Officials (AASCO). The Terms, Definitions, Model Bill and Regulations, and Policies as published by AASCO where those statements do not conflict with Title 22, Chapter 4, Idaho Code, and any rule promulgated thereunder. A copy may be purchased online or available at no cost from the AASCO website at: <https://www.seedcontrol.org/>. ()

02. Association of Official Seed Analysts (AOSA). The seed testing Publications, Rules, and Handbooks as published by AOSA where those statements do not conflict with Title 22, Chapter 4, Idaho Code, and any rule promulgated thereunder. A copy may be purchased online or available at no cost from the AOSA website at: <https://analyzeseeds.com/>. ()

03. International Seed Testing Association (ISTA). The seed testing Publications, Rules and Handbooks as published by ISTA are utilized for export purposes only. A copy may be purchased online or available at no cost from the ISTA website at: <https://www.seedtest.org/>. ()

04. National Seed Health System (NSHS). The Practices, Approved Methods, and Criteria for seed health testing as published by NSHS where those statements do not conflict with Title 22, Chapter 4, Idaho Code, and any rule promulgated thereunder. A copy may be purchased online or available at no cost from the NSHS website at: <https://seedhealth.org/>. ()

05. USDA/APHIS Export Program Manual (XPM). The Terms, Policies, and Procedures for Official Samples, Inspection and Testing, General Procedures, and Special Procedures are utilized for export purposes only. A copy may be purchased online or available at no cost from the USDA website at: <https://www.aphis.usda.gov/sites/default/files/xpm.pdf>. ()

113. -- 119. (RESERVED)

120. GERMINATION STANDARDS FOR VEGETABLE SEEDS.

~~Includes hard seed~~ Standard testing procedures for kinds of vegetable seeds have been prescribed by the AOSA or AASCO and that are required by the labeling provisions of Section 22-415, Idaho Code.

	Percent
Artichoke	60
Asparagus	70
Asparagusbean	75
Bean, garden	70
Bean, lima	70
Bean, runner	75
Beet	65
Broadbean	75
Broccoli	75
Brussels sprouts	70
Burdock, great	60
Cabbage	75
Cabbage, tronchuda	75
Eggplant	60
Endive	70
Kale	75
Kale, Chinese	75
Kohlrabi	75
Leek	60
Lettuce	80
Muskmelon	75
Mustard, India	75
Mustard, spinach	75
Okra	50
Onion	70
Onion, Welsh	70

	Percent		Percent
Cantaloupe (See muskmelon)		Pak-choi	75
Carrot	60	Parsley	60
Carrot	55	Parsnip	60
Cauliflower	75	Pea	80
Celeriac	55	Pepper	55
Celery	55	Pumpkin	75
Chard, Swiss	65	Radish	75
Chicory	65	Rhubarb	60
Chinese Cabbage	75	Rutabaga	75
Chives	50	Salsify	75
Citron	65	Sorrel	65
Collards	80	Soybean	75
Corn, sweet	75	Spinach	60
Cornsalad	70	Spinach, New Zealand	40
Cowpea	75	Squash	75
Cress, garden	75	Tomate	75
Cress, upland	60	Tomato, husk	50
Cress, water	40	Turnip	80
Cucumber	80	Watermelon	70
Dandelion	60		

(3-15-22)()

121. -- 129. (RESERVED)

130. GERMINATION STANDARDS FOR FLOWER SEEDS.

The kinds of flower seeds listed below are those for which standard testing procedures for kinds of flower seeds have been prescribed by the Association of Official Seed Analysts (AOSA) or AASCO and that are required by the labeling provisions of Section 22-415, Idaho Code. The percentage listed opposite each kind is the germination standard for that kind. For the kinds marked with an asterisk, the percentage is arrived at by totaling the percent germination and percent hard seed.

(3-15-22)()

01. Table 1.

Kind	Percent
Achillea (The Pearl) *Achillea ptarmica	50
African Daisy *Dimorphotheca aurantiaca	55
African Violet *Saintpaulia spp.	30
Ageratum *Ageratum mexicanum	60

Kind	Percent
Agrostemma (rose-champion) — <i>Agrostemma coronaria</i>	65
Alyssum — <i>Alyssum compactum</i> , <i>A. maritimum</i> , <i>A. procumbens</i> , <i>A. saxatile</i>	60
Amaranthus — <i>Amaranthus</i> spp.	65
Anagallis (pimpernel) — <i>Anagallis arvensis</i> , <i>Anagallis coerulea</i> , <i>Anagallis grandiflora</i>	60
Anemone — <i>Anemone coronaria</i> , <i>A. pulsatilla</i>	55
Angel's Trumpet — <i>Datura arborea</i>	60
Arabis — <i>Arabis alpina</i>	60
Arctotis (African-lilac daisy) — <i>Arctotis grandis</i>	45
Armeria — <i>Armeria formosa</i>	55
Asparagus, fern — <i>Asparagus plumosus</i>	50
Asparagus, sprenger — <i>Asparagus sprengeri</i>	55
Aster, China — <i>Gallistephus chinensis</i> ; except Pompon, Powderpuff, and Princess types	55
Aster, China — <i>Gallistephus chinensis</i> ; Pompon, Powderpuff, and Princess types	50
Aubretia — <i>Aubretia deltoides</i>	45
Baby Smilax — <i>Asparagus asparagoides</i>	25
Balsam — <i>Impatiens balsamina</i>	70
Begonia — <i>Begonia fibrous rooted</i>	60
Begonia — <i>Begonia tuberous rooted</i>	50
Bells of Ireland — <i>Molucella laevis</i>	60
Brachycome (swan river daisy) — <i>Brachycome Iberidifolia</i>	60
Browallia — <i>Browallia elata</i> and <i>B. speciosa</i>	65
Buphthalmum (sunwheel) — <i>Buphthalmum salicifolium</i>	60
Calceolaria — <i>Calceolaria</i> spp.	60
Calendula — <i>Calendula officinalis</i>	65
California Poppy — <i>Eschscholtzia californica</i>	60
Calliopsis — <i>Coreopsis bicolor</i> , <i>C. drummondii</i> , <i>C. elegans</i>	65
Campanula: Canterbury Bells — <i>Campanula medium</i>	60
Cup and Saucer Bellflower — <i>Campanula medium calycanthema</i>	60
Carpathian Bellflower — <i>Campanula carpatica</i>	50
Peach Bellflower — <i>Campanula persicifolia</i>	50
Candytuft, Annual — <i>Iberis amara</i> , <i>I. umbellata</i>	65

Kind	Percent
Candytuft, Perennial— <i>Iberis gibraltarica</i> , <i>I. sempervirens</i>	55
Caster Bean— <i>Ricinus communis</i>	60
Cathedral Bells— <i>Cobaea scandens</i>	65
Celestia— <i>Celestia argentea</i>	65
Centaurea:	
Basket Flower— <i>Centaurea americana</i> ,	
Cornflower— <i>C. cyanus</i> ,	
Dusty Miller— <i>C. candidissima</i> ,	
Royal Centaurea— <i>C. imperialis</i> ,	
Sweet Sultan— <i>C. moschata</i> ,	
Velvet Centaurea— <i>C. gymnocarpa</i>	60
Cerastium (snow in summer)— <i>Cerastium biebersteinii</i> and <i>C. tomentosum</i>	65
Chinese Forget me not— <i>Cynoglossum amabile</i>	55
Chrysanthemum, Annual— <i>Chrysanthemum carinatum</i> , <i>C. coronarium</i> ,	
<i>C. segetum</i>	40
Cineraria— <i>Senecio cruentus</i>	60
Clarkia— <i>Clarkia elegans</i>	65
Cleome— <i>Cleome gigantea</i>	65
Coleus— <i>Coleus blumei</i>	65
Columbine— <i>Aquilegia</i> spp.	50
Coral Bells— <i>Heuchera sanguinea</i>	55
Coreopsis, Perennial— <i>Coreopsis lanceolata</i>	40
Corn, ornamental— <i>Zea mays</i>	75
Cosmos:	
Sensation, Mammoth and Crested types— <i>Cosmos bipinnatus</i> ,	
Klondyke type— <i>C. sulphureus</i>	65
Cressandra—(<i>Cressandra infundibuliformis</i>)	50
Dahlia— <i>Dahlia</i> spp.	55
Daylily— <i>Hemerocallis</i> spp.	45
Delphinium, Perennial:	
Belladonna and Bellameum types;	
Cardinal-Larkspur— <i>Delphinium cardinale</i> ;	
Chinensis types; Pacific Giant, Gold Medal	
and other hybrids of <i>D. elatum</i>	55

Kind	Percent
Dianthus:	
Carnation— <i>Dianthus caryophyllus</i>	60
China Pinks— <i>Dianthus chinensis</i> , <i>hedewigi</i> , <i>heddensis</i>	70
Grass Pinks— <i>Dianthus plumarius</i>	60
Maiden Pinks— <i>Dianthus deltoides</i>	60
Sweet William— <i>Dianthus barbatus</i>	70
Sweet Williamsfield— <i>Dianthus allweedii</i>	60
Didiscus—(blue lace flower)— <i>Didiscus coerulea</i>	65
Doronicum (leopard's bane)— <i>Doronicum caucasicum</i>	60
Dracaena— <i>Dracaena indivisa</i>	55
Dragon Tree— <i>Dracaena draco</i>	40
English Daisy— <i>Bellis perennis</i>	65
Flax—	
Golden flax (<i>Linum flavum</i>);	60
Flowering flax <i>L. grandiflorum</i> ;	
Perennial flax, <i>L. perenne</i>	
Flowering Maple— <i>Abutilon</i> spp.	35
Foxglove— <i>Digitalis</i> spp.	60
Gaillardia, Annual—	
<i>Gaillardia pulchella</i> ; <i>G. pecta</i> ;	
Perennial— <i>G. grandiflora</i>	45
Gerbera (transvaal daisy)— <i>Gerbera jamesonii</i>	60
Geum— <i>Geum</i> spp.	55
Gilia— <i>Gilia</i> spp.	65
Gloriosa daisy (rudbeckia)— <i>Echinacea purpurea</i> and <i>Rudbeckia hirta</i>	60
Gloxinia—(<i>Sinningia speciosa</i>)	40
Gedelia— <i>Gedelia ameena</i> , <i>G. grandiflora</i>	65
Guards:	
Yellow Flowered— <i>Cucurbita pepo</i> ;	
White Flowered— <i>Lagenaria siceraria</i> ;	
Dishcloth— <i>Luffa cylindrica</i>	70
Gypsofila:	
Annual Baby's Breath— <i>Gypsofila elegans</i> ;	
Perennial Baby's Breath— <i>G. paniculata</i> , <i>G. pacifica</i> , <i>G. repens</i>	70
Helenium— <i>Helenium autumnale</i>	40
Helichrysum— <i>Helichrysum monstrosum</i>	60
Helopsis— <i>Helopsis scabra</i>	55
Heliotrope— <i>Heliotropium</i> spp.	35
Helipteron (Acroclinium)— <i>Helipteron roseum</i>	60

DEPARTMENT OF AGRICULTURE
Rules Governing the Production & Distribution of Seed

Docket No. 02-0601-2501
PENDING RULE

Kind	Percent
Hesperis (sweet rocket) — <i>Hesperis matronalis</i>	65
*Hollyhock — <i>Althea rosea</i>	65
Hunnemania (Mexican tulip poppy) — <i>Hunnemania fumariifolia</i>	60
*Hyacinth bean — <i>Dolichos lablab</i>	70
Impatiens — <i>Impatiens holstii</i> , <i>I. sultana</i>	55
*Ipomea — Cypress Vine — <i>Ipomea quamoclit</i> ; Moonflower — <i>I. noctiflora</i> ; Morning Glories, Cardinal Climber, Hearts-and-Honey Vine — <i>Ipomea</i> spp.	75
Jerusalem cross (maltese cross) — <i>Lychnis chalcedonica</i>	70
Job's Tears — <i>Coiix lacryma-jobi</i>	70
Kochia — <i>Kochia childsi</i>	55
Larkspur, Annual — <i>Delphinium ajacis</i>	60
Lantana — <i>Lantana camara</i> , <i>L. hybrida</i>	35
Lilium (regal lily) — <i>Lilium regale</i>	50
Linaria — <i>Linaria</i> spp.	65
*Lobelia, Annual — <i>Lobelia erinus</i>	65
Lunaria, Annual — <i>Lunaria annua</i>	65
*Lupine — <i>Lupinus</i> spp.	65
Marigold — <i>Tagetes</i> spp.	65
Marvel of Peru — <i>Mirabilis jalapa</i>	60
Matricaria (feverfew) — <i>Matricaria</i> spp.	60
Mignonette — <i>Reseda odorata</i>	55
Myosotis — <i>Myosotis alpestris</i> , <i>M. elongata</i> , <i>M. palustris</i>	60
Nasturtium — <i>Tropaeolum</i> spp.	60
Nemesia — <i>Nemesia</i> spp.	65
Nemophila — <i>Nemophila insignis</i>	70
Nemophila, spotted — <i>Nemophila maculata</i>	60
Nicotiana — <i>Nicotiana affinis</i> , <i>N. sanderae</i> , <i>N. sylvestris</i>	65
Nierembergia — <i>Nierembergia</i> spp.	55
Nigella — <i>Nigella damascena</i>	55
Pansy — <i>Viola tricolor</i>	60
Penstemon — <i>Penstemon barbatus</i> , <i>P. grandiflorus</i> , <i>P. laevigatus</i> , <i>P. pubescens</i>	60
Petunia — <i>Petunia</i> spp.	45
Phacelia — <i>Phacelia campanularia</i> , <i>P. minor</i> , <i>P. tanacetifolia</i>	65

Kind	Percent
Phlox, Annual— <i>Phlox drummondii</i> all types and varieties	55
Physalis— <i>Physalis</i> spp.	60
Platycodon (balloon flower)— <i>Platycodon grandiflorum</i>	60
Plumbago, cape— <i>Plumbago capensis</i>	50
Ponytail— <i>Beauearnea recurvata</i>	40
Poppy:	
Shirley Poppy— <i>Papaver rhoeas</i> ;	
Iceland Poppy— <i>P. nudicaule</i> ;	60
Oriental Poppy— <i>P. orientale</i> ;	
Tulip Poppy— <i>P. glaucum</i>	
Portulace— <i>Portulaca grandiflora</i>	55
Primula (Primrose)— <i>Primula</i> spp.	50
Pyrethrum (painted daisy)— <i>Pyrethrum coccineum</i>	60
Salpiglossis— <i>Salpiglossis gloxinaeiflora</i> , <i>S. sinuata</i>	60
Salvia:	
Scarlet Sage— <i>Salvia splendens</i> ;	50
Mealycup Sage (blue bedder)— <i>Salvia farinacea</i>	
Saponaria— <i>Saponaria ocymoides</i> , <i>S. vaccaria</i>	60
Scabiosa, Annual— <i>Scabiosa atropurpurea</i>	50
Scabiosa, Perennial— <i>Scabiosa caucasica</i>	40
Schizanthus— <i>Schizanthus</i> spp.	60
*Sensitive plant (mimosa)— <i>Mimosa pudica</i>	65
Shasta Daisy— <i>Chrysanthemum maximum</i> , <i>C. leucanthemum</i>	65
Silk Oak— <i>Grevillea robusta</i>	25
Snapdragon— <i>Antirrhinum</i> spp.	55
Solanum— <i>Solanum</i> spp.	60
Statice— <i>Statice sinuata</i> , <i>S. suworowii</i> (flower heads)	50
Stocks:	
Common— <i>Matthiola incana</i> ;	
Evening Scented— <i>Matthiola bicornis</i>	65
Sunflower— <i>Helianthus</i> spp.	70
Sunrose— <i>Helianthemum</i> spp.	30
*Sweet Pea, Annual and Perennial other than dwarf bush— <i>Lathyrus odoratus</i> , <i>L. latifolius</i>	75
*Sweet Pea, dwarf bush— <i>Lathyrus odoratus</i>	65
Taheka daisy— <i>Machaeranthera tanacetifolia</i>	60
Thunbergia— <i>Thunbergia alata</i>	60

Kind	Percent
Torch Flower— <i>Tithonia speciosa</i>	70
Torenia (wishbone flower)— <i>Torenia fournieri</i>	70
Tritoma <i>Kniphofia</i> spp.	65
Verbena, Annual— <i>Verbena hybrida</i>	35
Vinca— <i>Vinca rosea</i>	60
Viola— <i>Viola cornuta</i>	55
Virginian stocks— <i>Malcolmia maritima</i>	65
Wallflower— <i>Cheiranthus allionii</i>	65
Yucca (Adam's needle)— <i>Yucca filamentosa</i>	50
Zinnia (except Linearis and Creeping)— <i>Zinnia angustifolia</i> , <i>Z. elegans</i> , <i>Z. grandiflora</i> , <i>Z. gracillima</i> , <i>Z. haageana</i> , <i>Z. multiflora</i> , <i>Z. pumila</i>	65
Zinnia, Linearis and Creeping— <i>Zinnia linearis</i> , <i>Sanvitalia procumbens</i>	50
All other kinds	50

(3-15-22)()

02. Below Standard. A mixture of kinds of flower seeds will be considered to be below standard if the germination of any kind or combination of kinds constituting twenty-five percent (25%) or more of the mixture by number is below standard for the kind or kinds involved. (3-15-22)

131. -- 139. (RESERVED)

140. GERMINATION STANDARDS FOR SEED IN HERMETICALLY SEALED CONTAINERS.
The period of validity of germination tests is extended to the following period for seed packaged in hermetically sealed containers under conditions and label requirements set forth in Subchapter A. (3-15-22)

01. Germination Tests. The germination test for agricultural and vegetable seed shall have been completed within the following period, exclusive of the calendar month in which the test was completed, immediately prior to shipment, delivery, transportation or sales: (3-15-22)

a. In the case of agricultural or vegetable seeds shipped, delivered, transported or sold to a dealer for resale, eighteen (18) months; (3-15-22)

b. In the case of agricultural or vegetable seeds for sale or sold at retail, thirty-six (36) months. (3-15-22)

02. Conditions of Packaging. The following standards, requirements, conditions must be met before seed is considered to be hermetically sealed under the provisions of Subchapter A: Standard testing procedures for Hermetically-sealed seed have been prescribed by the AOSA or AASCO and that are required by the labeling provisions of Section 22-415, Idaho Code. (3-15-22)()

a. The seed was packaged within nine months after harvest. (3-15-22)

b. The container used does not allow water vapor penetration through any wall, including the seals, greater than five hundredths (0.05) gram of water per twenty-four (24) hours per one hundred (100) square inches of surface at one hundred degrees F. (100F) with a relative humidity on one side of ninety percent (90%) and on the other of zero percent (0%). Water vapor penetration or WVP is measured by the standards of the U.S. Bureau of

Standards as gm. H₂O/24 hr./100 sq. in./100 F/ 90% RHV. 0% RH.

(3-15-22)

03. Moisture. The seed in the container does not exceed the percentage of moisture, on a wet weight basis, as listed below:

(3-15-22)

a. Table 1.

Agricultural Seeds	Percent
Beet, field	7.5
Beet, sugar	7.5
Bluegrass, Kentucky	6.0
Clover, crimson	8.0
Fescue, red	8.0
Ryegrass, annual	8.0
Ryegrass, perennial	8.0
All other agricultural seeds	6.0
Mixtures of above	8.0

(3-15-22)

b. Table 2.

Vegetable Seeds	Percent
Bean, garden	7.0
Bean, lima	7.0
Beet	7.5
Broccoli	6.0
Brussels sprouts	6.0
Cabbage	6.0
Carrot	7.0
Cauliflower	6.0
Celeriac	7.0
Celery	7.0
Chard, Swiss	7.5
Chinese cabbage	6.0
Chives	6.5
Collards	6.0
Corn, sweet	8.0
Cucumber	6.0
Eggplant	6.0

Vegetable Seeds	Percent
Kale	6.0
Kohlrabi	5.0
Leek	6.5
Lettuce	5.5
Muskmelon	6.0
Mustard, India	6.0
Onion	6.5
Onion, Welsh	6.5
Parsley	6.5
Parsnip	6.0
Pea	7.0
Pepper	4.5
Pumpkin	6.0
Radish	6.0
rutabaga	6.0
Spinach	8.0
Squash	6.0
Tomato	5.5
Turnip	5.0
Watermelon	6.5
All other vegetable seeds	6.0

(3-15-22)

04. Labeling. The container is conspicuously labeled in not less than eight (8) point type to indicate that the container is hermetically sealed, that the seed has been preconditioned as to moisture content, and the calendar month and year in which the germination test was completed. (3-15-22)

05. Germination. The percentage of germination of seed at the time of packaging was equal to or above the standards specified elsewhere in Subchapter A of these rules. (3-15-22)

141. -- 149. (RESERVED)

150. NOXIOUS WEEDS.

All States Noxious Weed Seed Testing includes noxious weeds listed in IDAPA 02.06.09. Species in the below tables refer to additional prohibited and restricted weeds for seed commodities. ()

01. Prohibited Noxious Weed Seeds -- Table 1. Seed Commodities.

Common Name	Scientific Name
4. Beanbitter, Syrian	4. <i>Zygophyllum fabago L.</i>

Common Name	Scientific Name
2. Bindweed, Field	2. <i>Convolvulus arvensis</i> L.
31. Buffalobur	31. <i>Solanum rostratum</i> Dun.
42. Bursage, Skeleton leaf	42. <i>Ambrosia tomentosa</i> Nutt.
53. Camelthorn	53. <i>Alhagi camelorum</i> Fisch.
64. Carrot, Wild	64. <i>Daucus carota</i> L.
7. Cress, Hoary	7. <i>Cardaria draba</i> (L.) Desv.
8. Crupina, Common	8. <i>Crupina vulgaris</i> Cass.
95. Fieldcress, Austrian	95. <i>Rorippa austriaca</i> (Crantz) Bess.
40. Goatgrass 6.	40. <i>Aegilops cylindrica</i> Host 6.
44. Groundcherry, Smooth 7.	44. <i>Physalis subglabrata</i> Mackenz. & Bush 7.
12. Henbane, Black	12. <i>Hyoscyamus niger</i> L.
13. Johnsongrass	13. <i>Sorghum halepense</i> L.
14. Knapweed, Diffuse	14. <i>Gentaurea diffusa</i> Lam.
15. Knapweed, Russian	15. <i>Gentaurea repens</i> L.
16. Knapweed, Spotted	16. <i>Gentaurea maculosa</i> Lam.
17. Lythrum, Purple	17. <i>Lythrum salicaria</i> L.
18. Nightshade, Silverleaf	18. <i>Solanum elaeagnifolium</i> Cav.
19. Pepperweed, Perennial	19. <i>Lepidium latifolium</i> L.
20. Poison-Hemlock	20. <i>Gonium maculatum</i> L.
21. Puncturevine	21. <i>Tribulus terrestris</i> L.
22. Quackgrass 9.	22. <i>Elytrigia repens</i> ; <i>Agropyron repens</i> 9. (L.) Beauv.
23. Ragwort, Tansy	23. <i>Senecio jacobaea</i> L.
24. Skeletonweed, Rush	24. <i>Ghondrilla juncea</i> L.
25. Sowthistle, Perennial	25. <i>Sonchus arvensis</i> L.
26. Spurge, Leafy	26. <i>Euphorbia esula</i> L.
27. St. Johnswort, Common 10.	27. <i>Hypericum perforatum</i> L. 10.
28. Starthistle, Yellow	28. <i>Gentaurea solstitialis</i> L.
29. Swainsonpea 11.	29. <i>Sphaerophys salsula</i> (Pall.) DC; 11. <i>Swainsona salsula</i> (Pallas) Taubert
30. Thistle, Canada	30. <i>Cirsium arvense</i> (L.) Scop.
31. Thistle, Musk	31. <i>Carduus nutans</i> L.
32. Thistle, Scotch	32. <i>Onopordum acanthium</i> L.

Common Name	Scientific Name
33. Teadflax, Dalmatian	33. <i>Linaria genistifolia</i> spp. <i>dalmatica</i> (L.) <i>Maire & Petitmengin</i>
34. Teadflax, Yellow	34. <i>Linaria vulgaris</i> Mill.
35. Woad, Dyers	35. <i>Isatis tinctoria</i> L.

(3-15-22)()

02. Restricted Noxious Weed Seeds -- Table 2. Seed Commodities

Common Name	Scientific Name
1. Dodder	1. <i>Cuscuta</i> spp.
2. Halogeton	2. <i>Halogeton glomeratus</i> (Steph. ex Bieb.) <i>C.A. Mey</i>
3. Lettuce, Blue	3. <i>Lactuca pulchella</i> (Pursh) DC.
4. Oats, Wild	4. <i>Avena fatua</i> L.
5. Plantain, Buckhorn	5. <i>Plantago lanceolata</i> L.
6. Ragweed, Western and Perennial	6. <i>Ambrosia psilostachya</i> DC., (T. & G.) Farw.
7. Rye, Medusahead	7. <i>Taeniatherum caput-medusae</i> (L.) Nevski; <i>Elymus caput-medusae</i> (L.)
8. Sumpweed, Poverty	8. <i>Iva axillaris</i> Pursh

(3-15-22)()

03. Restricted Noxious Weed Seeds Tolerances.

(3-15-22)()

a. Seven (7) seeds in fifty (50) grams of *Agrotis* species, *Poa* species, Rhodes grass, Bermudagrass, timothy, celery, and other agricultural or vegetable seeds of similar size and weight, within this group. (3-15-22)

b. Seven (7) seeds in each fifty (50) grams of Dallisgrass, ryegrass, fescue species, foxtail millets, alfalfa, red clover, sweetclover, lespedeza, bromegrass, *Brassica* species, carrot, onion, and other agricultural or vegetable seeds of similar size and weight or mixtures within this group, or mixtures of this group with those in group A. (3-15-22)

c. Seven (7) seeds in fifty (50) grams of alsike clover, white clover, and other agricultural or vegetable seeds of similar size and weight or mixtures within this group, with those in group A or group B. (3-15-22)

d. Eight (8) seeds in one hundred fifty (150) grams of Proso millet, Sudangrass, and seeds of similar size and weight, or mixtures of seed within this group. (3-15-22)

e. Forty-five (45) seeds in each pound for all wheatgrass species. (3-15-22)

f. Four (4) seeds in each five hundred (500) grams of wheat, oats, rye, barley, buckwheat, sorghums, vetches, field peas, and other seeds of a size and weight similar to or greater than those within this group, or any mixtures within this group. (3-15-22)

g. Containing more than one percent (1%) by weight of weed seeds including restricted noxious weed seeds referred to in Section 22-414(18)(b), Idaho Code, provided, that three percent (3%) of cheat, chess, or downy brome will be allowed in grass seed in which these weeds are found. (3-15-22)

151. -- 159. (RESERVED)

160. LABEL REQUIREMENTS OF SEEDS FOR SPROUTING.

The following information shall be indicated on all labels of seeds sold for sprouting in health food stores or other outlets: (3-15-22)

- 01.** **Name.** Commonly accepted name of kind. (3-15-22)
- 02.** **Lot.** Lot number. (3-15-22)
- 03.** **Percentage.** Percentage by weight of the pure seed, crop seeds, inert matter, and weed seeds if required. (3-15-22)
- 04.** **Germination Percentage.** Percentage of germination. (3-15-22)
- 05.** **Date.** The calendar month and year the test was completed to determine such percentage. (3-15-22)

161. -- 169. (RESERVED)

170. VIABILITY BY TZ%.

A TZ (tetrazolium) test may be used in lieu of germination for the following species with the label reading "viability by TZ%": Bitterbrush; Saltbush; Sagebrush; Indian Ricegrass; and Winterfat. (3-15-22)

171. -- 179. (RESERVED)

180. METHODS OF TESTING.

All methods used in testing and analyzing seed subject to Subchapter A and the tolerances used in the enforcement of Subchapter A shall conform as nearly as practicable to the current "Rules for Testing Seed" adopted by the Association of Official Seed Analysts (AOA) on file at the Idaho Department of Agriculture, State Seed Lab located at 2240 Kellogg Lane, Boise, Idaho 83712. (3-15-22)

181. -- 189. (RESERVED)

190. SERVICE TESTING FEES -- PURITY, GERMINATION AND TETRAZOLIUM FEES.

Purity, Germination, and Tetrazolium Fees			
Kind of Seeds	Purity* \$/Unit	Germination \$/Unit	Tetrazolium** \$/Unit
AGRICULTURAL GRASS SEED			
Bluegrasses	\$68	\$38	\$60
Bromegrasses	\$57	\$36	\$60
Fescues	\$53	\$33	\$60
Orchardgrass	\$57	\$38	\$60
Ryegrasses	\$57	\$35***	\$60
Timothy	\$42	\$35	\$60
For all others the hourly rate will apply			
FIELD SEED			

Purity, Germination, and Tetrazolium Fees			
Kind of Seeds	Purity* \$/Unit	Germination \$/Unit	Tetrazolium** \$/Unit
Alfalfa, clovers and trefoils	\$30	\$26	\$60
Cereals (Barley, Oats, Rice, Rye, Triticale and Wheat)	\$38	\$26	\$60
Beans	\$32	\$28	\$60
Corn (all types)	\$30	\$26	\$60
Peas, and Lentils	\$27	\$26	\$60
For all others the hourly rate will apply			
VEGETABLES, FLOWERS AND HERB SEED			
Brassica (Canola, Cauliflower, Broccoli, Radish, etc.)	\$60	\$26	\$76
Beets and Swiss chard	\$44	\$48	\$60
Carrots, celery, dill and parsley	\$41	\$30	\$60
Cucurbits (Squash, melons, etc.)	\$38	\$30	\$60
Flowers (Bachelors button, poppy, etc.)	\$60	\$38	\$76
Lettuce, tomato, and pepper	\$38	\$30	\$60
Onion and Chives	\$38	\$30	\$60
For all others the hourly rate will apply			
TREE AND SHRUB SEED			
Bitterbrush	\$60	\$45	\$76
Saltbush	\$91	\$45	\$76
Chokecherry and Woods' rose	\$38	\$91	\$91
Serviceberry, cliff-rose and mahogany	\$45	\$45	\$60
Trees (Firs, pines, spruces, etc.)	\$38	\$45	\$60
For all others the hourly rate will apply			
RANGE AND NATIVE SEED			
Bluestems and gramas	Hourly Rate	\$45	\$76
Globemallow and penstemons	\$60	\$45	\$76
Kochia and forage Kochia	\$45	\$45	\$60
Rushes and Sedges	Hourly Rate	\$45	\$76
Sagebrush and Rabbitbrush	Hourly Rate	\$45	\$60
Wheatgrasses, wildryes, and squirreltail	\$60	\$38	\$60

Purity, Germination, and Tetrazolium Fees			
Kind of Seeds	Purity* \$/Unit	Germination \$/Unit	Tetrazolium** \$/Unit
Winterfat	Hourly Rate	\$45	Hourly Rate
For all others the hourly rate will apply			

* Samples with high levels of impurities (i.e. other crops, weeds, multiple florets, inert materials) requiring more than one (1) hour analyst time for purity testing will be charged the standard hourly rate of forty dollars (\$40) for each additional hour.

** For all samples submitted for a TZ or Germination test requiring more than one (1) hour for cleaning and/or preparing will be charged at the standard hourly rate of forty dollars (\$40) for each additional hour.

*** With germination fluorescence testing thirty dollars (\$30).

(7-1-24)

191. SERVICE TESTING FEES -- SPECIAL TESTS.

Special Testing Fees	
Test Procedures:	Fees \$/Unit
All States Noxious	\$38
Canada: Purity Germination	\$20 - Added to purity fee \$4.00 - Added to germination fee
Certified Grains	\$13 - Added to purity fee
Cold Test	\$35
Crop & Weed Check	\$37
Dormancy Percentage	\$11 - Minimum or Dormant% found x germination fee
E.C. Norms	\$30
Noxious Weed Germination (Compost/Mulch, etc.)	\$27
Noxious Weed Purity (Hay, Straw, etc.)	\$Hourly Rate
Identification	\$8 - Minimum or hourly if necessary
Inventory Germinations (For Carryover Seed Only, when requested)	20% discount of listed germination fee; Available only for the months of March through July.
ISTA: Purity Germination	\$20 - Added to purity fee \$4 - Added to germination fee

Special Testing Fees	
Test Procedures:	Fees \$/Unit
Mixtures: Purity	\$19 - Added per kind exceeding 5%
Germination	\$19 - Added per kind exceeding 5%
Tetrazolium	\$27 - Added per kind exceeding 5%
Moisture Test	\$21
Round-Up-Ready Trait Test (Alfalfa, Canola, Corn)	\$60
Sand Germination	\$38
Seed Count	\$20
Soil Exam	\$20.00
Sod Quality: Bentgrass	\$100
Bermudagrass	\$97
Bluegrass	\$97
Soil Germination	\$35
Species Exam	\$37
Undesirable Grass Species	\$39

(7-1-24)

192. SERVICE TESTING FEES -- MISCELLANEOUS FEES.

Miscellaneous Fees	
Type of Service:	Fees \$/Unit
Administrative Charge per Test for Internet Access and Data Processing.	Not to exceed \$2 per test
Hourly Charge	\$60
Merge Records	\$4
Rush Service	\$75
Super Rush Service (priority processing over Rush)	\$150

(7-1-24)

193. (RESERVED)

194. SEED DEALER'S LICENSE FEES.

Seed dealers shall obtain a seed dealer's license for each location in Idaho before they can sell, offer for sale, expose for sale or deliver agricultural seeds in packages of eight (8) ounces or more or bulk under contract within the state of

Idaho. Seed dealers pay only for the service or services they render according to the following fee schedule: (3-15-22)

01. In-State Seed Dealer's License Fees: (3-15-22)

a. License to condition or clean agricultural seeds in Idaho - one-hundred dollars (\$100). (3-15-22)

b. License to label container or bulk agricultural seeds for sale in Idaho - fifty dollars (\$50). (3-15-22)

c. License to sell, offer for sale, expose for sale, or deliver agricultural seeds in packages of eight (8) ounces or more or in bulk under a contract in Idaho: (3-15-22)

i. For annual gross sales of five hundred dollars (\$500) or more, but less than one thousand dollars (\$1,000) - fifty dollars (\$50). (3-15-22)

ii. For annual gross sales of one thousand dollars (\$1,000) or more - one hundred dollars (\$100). (3-15-22)

02. Out-of-State Seed Dealer's License Fee. Three hundred fifty dollars (\$350). (3-15-22)

03. Exemptions. (3-15-22)

a. Any person selling seed who has total annual gross seed sales not exceeding five hundred dollars (\$500) is exempt from Section 194. (3-15-22)

b. An in-state dealer or out-of-state dealer who sells, offers for sale, exposes for sale or delivers seed only in packages of less than eight (8) ounces is exempt from Section 194. (3-15-22)

195. --209. (RESERVED)

SUBCHAPTER B—RAPESEED

210. DEFINITIONS.

The definitions in Section 210 apply to the interpretation and enforcement of Subchapter B only. (3-15-22)

01. Producer. Any person who is the owner, tenant, or operator of land who has an interest in and is entitled to receive all or any part of the proceeds from the sale of any commodity produced on that land. (3-15-22)

02. Rapeseed. Those species of *Brassica napus*, *Brassica rapa* (formerly *Brassica campestris*), and *Brassica juncea*. (3-15-22)

03. Types. Those species and varieties of rapeseed classified as follows: (3-15-22)

a. Edible: (3-15-22)

i. **Low-Erueic Acid Rapeseed** — Low Glucosinolates (LEAR-LG), commonly called “canola,” is the seed of the species *Brassica napus*, *Brassica juncea*, or *Brassica rapa*, the oil components of which seed contain less than two percent (2.0%) erueic acid and the seed meal will contain less than thirty (30) micromoles of any one (1) or any mixture of 3-butetyl glucosinolate, 4-pentenyl glucosinolate, 2-hydroxy-3-butetyl glucosinolate, and 2-hydroxy-4-pentenyl glucosinolate per gram ($\mu\text{m}/\text{g}$) of air dry, oil free solid as determined by any approved method. (3-15-22)

ii. **Low-Erueic Acid Rapeseed** — High Glucosinolates (LEAR-HG) Rapeseed varieties shall contain less than two percent (2.0%) erueic acid in the oil of the rapeseed and more than thirty (30) micromoles per one (1) gram ($\mu\text{m}/\text{g}$) glucosinolates in the rapeseed meal. (3-15-22)

b. Industrial: (3-15-22)

i. ~~High Erucic Acid Rapeseed — Low Glucosinolates (HEAR-LG)~~ Rapeseed are rapeseed varieties used for production of industrial oil that shall contain erucic acid levels above forty percent (40%) in the oil of the rapeseed and less than thirty (30) micromoles per one (1) gram ($\mu\text{m}/\text{g}$) glucosinolates in the meal of the rapeseed. (3-15-22)

ii. ~~High Erucic Acid Rapeseed — High Glucosinolates (HEAR-HG)~~ Rapeseed are rapeseed varieties used for production of industrial oil that shall contain erucic acid levels above forty percent (40%) in the oil of the rapeseed and more than thirty (30) micromoles per one (1) gram ($\mu\text{m}/\text{g}$) glucosinolates in the meal of the rapeseed. (3-15-22)

04. Volunteer Rapeseed. A plant that arises from accidental or unintentional scattering of seed. (3-15-22)

05. Condiment Mustard. Varieties of *Brassica juncea* produced for seed to be used for spice or condiment. (3-15-22)

06. Green Manure Rapeseed. Varieties of rapeseed used as a cover crop to be plowed down prior to flowering and maturity. (3-15-22)

211. (RESERVED)

212. PRODUCTION DISTRICTS.

01. ~~District I.~~ All land in Idaho not listed under District II in Subsection 212.02 of Subchapter B. (3-15-22)

02. ~~District II.~~ All land within the boundaries of Ada, Canyon, Gem, Owyhee (north of Murphy) and Payette counties. (3-15-22)

213. — 219. (RESERVED)

220. RESTRICTIONS.

01. ~~District I.~~ Except as otherwise provided in Subchapter B, industrial and edible types of rapeseed may be planted in District I. (3-15-22)

02. ~~District II.~~ Except as otherwise provided in Subchapter B, no rapeseed of either variety may be planted in District II. (3-15-22)

03. Restrictions: (3-15-22)

a. Industrial types of rapeseed planted in District I must adhere to the following conditions: (3-15-22)

i. It is the responsibility of the person planting industrial types of rapeseed in District I to consult with and obtain the written approval from all farmers bordering the fields to be planted with industrial types of rapeseed. (3-15-22)

ii. Industrial types of rapeseed planted in District I must be at least one (1) mile from a field planted to edible types of rapeseed. (3-15-22)

221. — 229. (RESERVED)

230. REQUIREMENTS FOR ALL BRASSICA SEEDS TO BE PLANTED IN IDAHO.

01. Requirements. All *Brassica* seeds to be planted in Idaho shall meet the following requirements. (3-15-22)

a. *Brassica* seeds shall be treated with an EPA and State registered fungicide for the control of blackleg (*Leptosphaeria maculans*). (3-15-22)

b. *Brassica* seed lots produced outside Idaho shall be accompanied by a phytosanitary certificate stating that the seed is free (zero tolerance) from blackleg based on a laboratory test of a minimum of two point nine (2.9) grams or one thousand (1,000) seeds. (3-15-22)

02. **Exemptions.** The following are not subject to the provisions of Subsections 230.01.a. and 230.01.b. (3-15-22)

a. *Brassica* seeds sold in lots of two (2) pounds or less. (3-15-22)

b. *Brassica* seeds produced in Idaho. (3-15-22)

231.—239. **(RESERVED)**

240. RAPSEED GROWING OUTSIDE CULTIVATED FIELDS ENFORCEMENT AND PENALTIES. Volunteer rapeseed plants within designated production districts shall be destroyed prior to flowering. The Director has the authority to require destruction of any rapeseed prior to flowering that has not met the provisions of Subchapter B. In the event that the person responsible for planting the rapeseed does not comply with the destruction order, the Director is authorized to have the rapeseed destroyed by a third party and the cost of destruction charged to the party responsible for planting the rapeseed. (3-15-22)

241.—249. **(RESERVED)**

250. TRANSPORTATION OF BRASSICA SEEDS INTO AND THROUGHOUT IDAHO.

Any transport of *Brassica* seeds shall be accomplished in suitably packaged, covered or sealed containers or vehicles in order to avoid the accidental spread of seed in non-production and prohibited areas. (3-15-22)

251.—309. **(RESERVED)**

SUBCHAPTER C—BLUEGRASS

310. DEFINITIONS.

In addition to the definitions found in Section 22-2005, Idaho Code, the definitions found in Section 310 apply to the interpretation and enforcement of Subchapter C only. (3-15-22)

01. Annual Bluegrass. *Poa annua* and all related species off types or sub-species of *Poa annua*; hereinafter referred to as annual bluegrass. (3-15-22)

02. Annual Bluegrass Analysis Certificate. A test report from an official laboratory showing freedom from annual bluegrass. (3-15-22)

03. Grass Species. All bluegrass (*Poa*) species, fescue (*Festuca*) species, ryegrass (*Lolium*) species and all bentgrass (*Agrostis*) species. (3-15-22)

04. Official Seed Laboratory. A seed testing laboratory approved by the Director. (3-15-22)

05. Annual Bluegrass Quarantine Release Tag. A numbered tag printed and issued by the Idaho Department of Agriculture to be attached to each bag showing said seed has met quarantine requirements and giving the following information: "This lot of seed was tested and found to be apparently free of annual bluegrass and is eligible for planting in Idaho." (3-15-22)

06. Rough Bluegrass Quarantine Release Tag. A numbered tag printed and issued by the Idaho State Department of Agriculture to be attached to each bag showing said seed has met quarantine requirements and giving the following information: "This lot of seed was tested and found to be apparently free of rough bluegrass and is

eligible for planting in Idaho.” (3-15-22)

07. Regulated Pest. The seeds of *Poa annua* (Annual bluegrass) and all related off-types or sub-species of *Poa annua* hereinafter referred to as Annual bluegrass that are objectionable in grass seed stock, are considered weeds for the purposes of this chapter. (3-15-22)

08. Representative Sample. A sample of seed drawn in accordance to Subchapter A of this rule. (3-15-22)

09. Rough Bluegrass. *Poa trivialis* and all related off-types or sub-species of *Poa trivialis*, hereinafter referred to as rough bluegrass. (3-15-22)

10. Rough Bluegrass Analysis Certificate. A test report from an official laboratory showing freedom from rough bluegrass. (3-15-22)

11. Seed Stock. Those seeds of grass species that are to be planted for seed increase or with intent of seed increase. (3-15-22)

311.—319. (RESERVED)

320. ANNUAL BLUEGRASS REGULATED AREA.

The regulated area is the entire state of Idaho. (3-15-22)

321. ROUGH BLUEGRASS REGULATED AREA.

The regulated areas are the Idaho counties of Benewah, Bingham, Blaine, Bonner, Camas, Clark, Clearwater, Elmore, Idaho, Jerome, Kootenai, Latah, Lewis, Madison, Nez Perce, Power, Shoshone and Twin Falls. (3-15-22)

322. ROUGH BLUEGRASS QUARANTINE—RESTRICTIONS. No rough bluegrass shall be planted for seed production in the regulated areas. (3-15-22)

323.—329. (RESERVED)

330. REGULATED ARTICLES.

Those articles that are regulated are seed stocks as defined in Subsection 310.11. (3-15-22)

331.—339. (RESERVED)

340. RULES GOVERNING PLANTING OF REGULATED ARTICLES (ANNUAL BLUEGRASS).

01. Requirements. Prior to any person planting any grass species seed stock in Idaho, that person shall comply with the following requirements: (3-15-22)

a. Submit for an official laboratory analysis a representative sample showing freedom from annual bluegrass based on a five (5) gram sample for bentgrass or redtop, a twenty-five (25) gram sample for bluegrass, or a fifty (50) gram sample for other grasses; or (3-15-22)

b. Have a representative sample submitted for testing. (3-15-22)

02. Tags. Upon receipt by the Director of an official seed laboratory analysis showing freedom from annual bluegrass, sequentially numbered tags will be issued for each bag found free of annual bluegrass from those lots according to Subsection 310.06. (3-15-22)

03. Analysis Certificate. In lieu of tags, a seed analysis certificate from an official seed laboratory showing each lot being planted to be free from annual bluegrass must be kept on file for a minimum of one (1) year after all of the inventory of that lot's harvested seed has been sold. (3-15-22)

341. ~~QUALIFICATIONS OF REGULATED ARTICLES FOR QUARANTINE RELEASE (ROUGH BLUEGRASS).~~

01. ~~Planting Seed Stock of Regulated Articles.~~ Any person planting seed stock of regulated articles shall comply with the following requirements: (3-15-22)

a. ~~Submit to the Director an official laboratory analysis of a representative sample showing freedom from rough bluegrass based on a five (5) gram sample for bentgrass or redtop, a twenty-five (25) gram sample for bluegrass, or a fifty (50) gram sample for other grasses; or~~ (3-15-22)

b. ~~Submit to the Director a representative sample for laboratory analysis.~~ (3-15-22)

02. ~~Quarantine Release Tag.~~ Upon receipt of an official seed laboratory analysis, the Director may upon request issue sequentially numbered tags for each bag of regulated article found free of rough bluegrass. (3-15-22)

03. ~~Analysis Certificate.~~ In lieu of tags, a seed analysis certificate from an official seed laboratory showing each lot being planted to be free from rough bluegrass must be kept on file for a minimum of one (1) year after all of the inventory of that lots harvested seed has been sold. (3-15-22)

342. ~~349. (RESERVED)~~

350. ~~INFESTED SEED STOCK (ANNUAL BLUEGRASS).~~

~~Each lot of seed found to contain annual bluegrass shall be placed under a "Hold Order" pursuant to Section 22-103(20), Idaho Code, to be released only for shipment out of Idaho or for planting in nurseries of two (2) acres or less under supervision of the Director. The nursery shall be seeded in rows spaced twenty-four (24) inches apart and it is the duty of the person receiving such seed to rogue this increase area or chemically treat to eradicate the annual bluegrass. Seed increases shall be inspected by the department or the Idaho Crop Improvement Association at least three (3) times during the seedling year. Any areas not passing inspection shall not be harvested but is destroyed upon the order of the Director at the owner's expense.~~ (3-15-22)

351. ~~ROUGH BLUEGRASS QUARANTINE INSPECTIONS.~~

~~The Director will cause inspections to be made in accordance with the provisions of Section 22-2007, Idaho Code.~~ (3-15-22)

01. ~~Infested Seed Stock.~~ Lots of turf seed stock contaminated with rough bluegrass seeds may be planted in an approved nursery of two (2) acres or less under the supervision of the Director. The nursery shall be seeded in rows spaced twenty-four (24) inches apart and it is the duty of the person receiving such seed stock to rogue the planting or chemically treat to eradicate the rough bluegrass. The approved nursery will be inspected by the Department or the Idaho Crop Improvement Association at least three (3) times during the seedling year. Any approved nursery not passing inspection shall not be harvested but will be destroyed upon the order of the Director at the owner's expense. (3-15-22)

352. ~~359. (RESERVED)~~

360. ~~APPLICATION FOR NURSERY INSPECTION.~~

~~A person shall make application for nursery inspection to the Idaho Department of Agriculture or the Idaho Crop Improvement Association at least fourteen (14) days prior to planting.~~ (3-15-22)

361. ~~369. (RESERVED)~~

370. ~~EXEMPTIONS (ANNUAL BLUEGRASS).~~

01. ~~Forage.~~ These rules do not apply to seed sown for forage. (3-15-22)

02. ~~Experiments.~~ These rules do not apply to: (3-15-22)

- a.** Experiments or trial grounds of the United States Department of Agriculture; or (3-15-22)
- b.** Experiments or trial grounds of the Idaho State Experiment Station; or (3-15-22)
- c.** Trial grounds of any person, firm, or corporation provided said trial ground plantings are approved by the Director and under supervision of technically-trained personnel familiar with annual bluegrass control. (3-15-22)

371. EXEMPTIONS (ROUGH BLUEGRASS).

01. Experiments or Trial Grounds. This quarantine shall not apply to: experiments or trial grounds of the United States Department of Agriculture, experiments or trial grounds of the University of Idaho Agriculture Experiment Station, or trial grounds of any person, provided said trial ground plantings are approved by the Director and under supervision of technically-trained personnel familiar with rough bluegrass. (3-15-22)

02. Rough Bluegrass. Rough bluegrass may be planted in the regulated areas for turf but shall not be allowed to mature to the seed producing stage. (3-15-22)

372. - 379. (RESERVED)

380. FEES AND CHARGES.

01. Sampling. Fees for official sampling drawn by the Director are twelve dollars (\$12) per sample. (3-15-22)

02. Seed Analysis. Fees for seed analysis are that fee provided in the fee schedule of the official Seed Testing Laboratory. (3-15-22)

03. Inspection. Inspection fees for nursery plantings are fifty dollars (\$50) per acre or portion thereof for each inspection. Any field of less than one acre is a minimum fee of fifty dollars (\$50). (3-15-22)

04. Quarantine Release Tags. Quarantine release tags will be twenty-five cents (\$0.25) per tag and charged to person(s) when issued. (3-15-22)

381. - 999. (RESERVED)

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.06.02 – RULES GOVERNING REGISTRATIONS AND LICENSES
DOCKET NO. 02-0602-2501
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo and Incorporation By Reference Synopsis \(IBRS\)](#)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224](#)(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections [22-604](#), [22-2204](#), [22-2303](#)(5), [22-2503](#), [22-2511](#), and [25-2710](#), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This is an annual Incorporated by Reference update. Each year, The Association of American Feed Control Officials (AAFCO) and The Association of American Plant Food Control Officials (AAPFCO) update their official publications that the Idaho State Department of Agriculture references in IDAPA 02.06.02. The two publications are incorporated into this rule as standardized regulations for three subchapters of this rule – Commercial Feed, Commercial Fertilizer, and Soil and Plant Amendments. The updates to these documents include refinements to definitions, technical terms, and other standards necessary for regulation that meets state statutes as well as the national cooperation in regulating these products.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 142-144](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: There are no changes in fees associated with this rule.

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: There is no fiscal impact due to this administrative rule.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Lloyd Knight, (208)332-8615.

DATED this 7th day of January, 2026.

Lloyd B. Knight
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, ID 83707
Phone: (208)332-8615
Email: Lloyd.knight@isda.idaho.gov

THE FOLLOWING NOTICE PUBLISHED WITH THE 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 22-604](#), [22-2204](#), [22-2303](#) (5), [22-2503](#), [22-2511](#), and [25-2710](#).

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 15, 2024.

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:

This is an annual Incorporated by Reference update. Each year, [The Association of American Feed Control Officials \(AAFCO\)](#) and [The Association of American Plant Food Control Officials \(AAPFCO\)](#) update their official publications that the Idaho State Department of Agriculture references in IDAPA 02.06.02. The two publications are incorporated into this rule as standardized regulations for three subchapters of this rule – Commercial Feed, Commercial Fertilizer, and Soil and Plant Amendments. The updates to these documents include refinements to definitions, technical terms, and other standards necessary for regulation that meets state statutes as well as the national cooperation in regulating these products.

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

There is no change in fee or charge.

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:

There is no fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000).

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(2\)](#), Idaho Code, negotiated rulemaking was not conducted because these changes are to the publication dates of documents that were already incorporated into these rules.

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:

IDAPA 02.06.02 {...} 104. INCORPORATION BY REFERENCE:

01. The Association of American Feed Control Officials (AAFCO) Official Publication. The Terms, Ingredient Definitions, Model Bill and Regulations, and Policies as published in the “2025 Official Publication” of AAFCO where those statements do not conflict with [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.

02. The Merck Index. The “Merck Veterinary Manual,” 11th Edition, as published by Merck Research Laboratories Division of Merck & Co., Incorporated. The manual is publicly available online from Merck & Co., Inc at: <https://www.rsc.org/merckindex>.

IDAPA 02.06.02 {...} 404. INCORPORATION BY REFERENCE:

01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication. The Officially adopted Documents, Official Terms, and Policies, as published in the “2025 Official Publication” of AAPFCO where those statements do not conflict with [Title 22, Chapter 6](#), Idaho Code, and any rule promulgated thereunder. A copy may be purchased online from the AAPFCO website at: www.aapfc.org.

IDAPA 02.06.02 {...} 504. INCORPORATION BY REFERENCE:

01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication. The Terms, Ingredient Definitions, and Policies as published in the “2025 Official Publication” of AAPFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under [Title 22, Chapter 22](#), Idaho Code, and any rule promulgated thereunder. A copy may be purchased online from the AAPFCO website at: www.aapfc.org.

IDAPA 02.06.02 {...} 404 and 504. INCORPORATION BY REFERENCE:

02. The Association of Official Agricultural Chemists (AOAC) International. The “2019 Official Methods of Analysis (OMA) of the AOAC,” 21st Edition, a copyrighted publication, is maintained and published by the AOAC International. The AOAC OMA is available in electronic format at: www.EOMA.AOAC.org. A copy may be purchased online from AOAC International.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact [Lloyd Knight](mailto:lloyd.knight@isda.idaho.gov) at lloyd.knight@isda.idaho.gov.

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 October 22, 2025.

DATED this 23rd day of August, 2025.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0602-2501

02.06.02 – RULES GOVERNING REGISTRATIONS AND LICENSES

SUBCHAPTER A – COMMERCIAL FEED

104. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into this Subchapter A:

(3-23-23)

01. The Association of American Feed Control Officials (AAFCO) Official Publication. The Terms, Ingredient Definitions, Model Bill and Regulations, and Policies as published in the “~~2025~~2026 Official Publication” of AAFCO where those statements do not conflict with 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.

[\(7-1-25\)](#) [\(\)](#)

02. The Merck Index. The “Merck Veterinary Manual,” 11th Edition, as published by Merck Research Laboratories Division of Merck & Co., Incorporated. The manual is publicly available online from Merck & Co., Inc at: <https://www.rsc.org/merckindex>.

(3-23-23)

(BREAK IN CONTINUITY OF SECTIONS)

115. REGISTRATION AND FEES.

01. Product Registration Fee. Whenever a commercial feed is registered for distribution in the state

of Idaho, a fee of forty dollars (\$40) per product will be collected. (3-23-23)

02. Product Registration Fee Exemption. Sellers who are not regularly engaged in the business of manufacturing or selling commercial feed and whose total amount of gross annual sales does not exceed five hundred dollars (\$500) are exempt from payment of the registration fee. This registration fee exemption does not exempt anyone from other sections of Subchapter A and/or the Idaho Commercial Feed Law. (3-23-23)()

(BREAK IN CONTINUITY OF SECTIONS)

SUBCHAPTER C – FERTILIZER

404. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into Subchapter C: (3-23-23)

01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication. The Officially adopted Documents, Official Terms, and Policies, as published in the “~~2025~~²⁰²⁶ Official Publication” of AAPFCO where those statements do not conflict with Title 22, Chapter 6, Idaho Code, and any rule promulgated thereunder. A copy may be purchased online from the AAPFCO website at: www.aafco.org. (7-1-25)()

02. The Association of Official Agricultural Chemists (AOAC) International. The “2019 Official Methods of Analysis (OMA) of the AOAC,” 21st Edition, a copyrighted publication, is maintained and published by the AOAC International. The AOAC OMA is available in electronic format at: www.EOMA.AOAC.org. A copy may be purchased online from AOAC International. (3-23-23)

(BREAK IN CONTINUITY OF SECTIONS)

SUBCHAPTER D – SOIL AND PLANT AMENDMENTS

504. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into Subchapter D: (3-23-23)

01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication. The Terms, Ingredient Definitions, and Policies, as published in the “~~2025~~²⁰²⁶ Official Publication” of AAPFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 22, Chapter 22, Idaho Code, and any rule promulgated thereunder. A copy may be purchased online from the AAPFCO website at: www.aafco.org. (7-1-25)()

02. The Association of Official Agricultural Chemists (AOAC) International. The “2019 Official Methods of Analysis (OMA) of the AOAC,” 21st Edition, a copyrighted publication, is maintained and published by the AOAC International. The AOAC OMA is available in electronic format at: www.EOMA.AOAC.org. A copy may be purchased online from AOAC International. (3-23-23)

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.06.06 – RULES GOVERNING THE PLANTING OF BEANS
DOCKET NO. 02-0606-2501
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo](#)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224](#)(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections [22-108](#)(2), [22-418](#)(11), [22-2004](#), and [22-2006](#), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

These rules are being presented for approval with amendments that were identified as necessary to address concerns brought to the agency by industry stakeholders regarding clarification needed around the seed imported to Idaho to be planted to produce edible beans. The amended language has been recommended and supported by industry. Negotiated rulemaking meetings were held on July 21 and July 28 with broad stakeholder participation.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 145-146](#).

FEES SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

No changes were made to the fees in this chapter.

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:

There is no fiscal impact due to the changes in this administrative rule.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Lloyd Knight, (208)332-8615.

DATED this 7th day of January, 2026.

Lloyd B. Knight
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, ID 83707
Phone: (208)332-8615
Email: Lloyd.knight@isda.idaho.gov

THE FOLLOWING NOTICE PUBLISHED WITH THE 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 22-108\(2\)](#), [22-418\(11\)](#), [22-2004](#), and [22-2006](#), 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 15, 2025.

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:

These rules are being presented for approval with amendments that were identified as necessary to address concerns brought to the agency by industry stakeholders regarding clarification needed around the seed imported to Idaho to be planted to produce edible beans. The amended language has been recommended and supported by industry. Negotiated rulemaking meetings were held on July 21 and July 28 with broad stakeholder participation.

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

No changes were made to the fees in this chapter.

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:

There is no fiscal impact due to the changes in this administrative rule.

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 July 2, 2025 Idaho Administrative Bulletin, [Volume 25-7, p 38-39](#).

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:

There are no documents incorporated by reference in this rule chapter.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lloyd Knight, (208)332-8615.

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 October 22, 2025.

DATED this 1st day of October, 2025.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0606-2501

02.06.06 – RULES GOVERNING THE PLANTING OF BEANS

051. EDIBLE HARVEST EXEMPTION.

Seeds planted for edible harvest must bear an approved tag as defined in Subsection 200.09 of this rule Green, ICIA, or ODA tag. Yellow tags are not eligible for planting under the edible harvest exemption. Seeds planted for edible harvest are not required to undergo inspection requirements defined in Section 150, and are not covered by the irrigation restrictions defined in Section 200.10. (3-15-22)()

(BREAK IN CONTINUITY OF SECTIONS)

350. DETECTION, IDENTIFICATION, AND REPORTING OF REGULATED PESTS.

01. Reporting. Any person will report to the Department the detection of any of the regulated pests. (3-15-22)

02. Observation. Detection of regulated pests will be based on the observance of symptoms in the field. (3-15-22)

03. Detection of a Regulated Pest. Upon confirmation of a regulated pest, all bean fields adjacent to the infested field, fields where equipment was shared, and fields planted with the same parent seed will be inspected by ISDA or ICIA. (3-15-22)

04. Disagreement. In case of disagreement concerning the identity of the regulated pest or the virulence of the pathogen to Phaseolus or non-Phaseolus, the Department will submit cultures of the suspected pathogen to a plant pathologist appointed by the Dean of the College of Agriculture and Life Sciences, University of Idaho. The results and findings obtained by the approved pathologist are final. (3-15-22)

05. Release of Information. When the presence of a regulated pest is confirmed, information regarding the location and acres involved will be released upon request confirmation. (3-15-22)()

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.06.09 – RULES GOVERNING INVASIVE SPECIES AND NOXIOUS WEEDS

DOCKET NO. 02-0609-2503

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo](#)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections [22-1907](#), [22-2004](#), [22-2006](#), [22-2403](#), and [22-2412](#), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The purpose of this rulemaking is two-fold. First, to remove the previous prohibition of watercraft from the treatment area for Quagga mussel on the Snake River from Hansen Bridget to Pillar Falls.

Second, add Golden mussel to the Emergency Detection Rapid Response (EDRR) Invasive Species list. Golden mussel is an aggressive bivalve aquatic mussel that has been found in California water delivery systems. Infestations have already impacted on the delivery of water for irrigation and municipal use, and treatment efforts are already underway. Golden mussel presents significant challenges in potential spread and establishment beyond that found with the current quagga mussel infestation found in Idaho. Adding Golden mussel to the EDRR list ensures adequate legal authority for prevention and response efforts in Idaho.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the November 5, 2025, Idaho Administrative Bulletin, [Vol. 25-11, pages 22-25](#).

FEES SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: No fee is being imposed or changed because of this rulemaking.

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: There is no fiscal impact on the General Fund or dedicated funds because of this rulemaking.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Lloyd Knight, (208)332-8615.

DATED this 7th day of January, 2026.

Lloyd B. Knight
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, ID 83707
Phone: (208)332-8615
Email: Lloyd.knight@isda.idaho.gov

THE FOLLOWING NOTICE PUBLISHED WITH THE 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 [Sections 22-1907, 22-2004, 22-2006, 22-2403](#), and [22-2412](#), Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Monday, November 17, 2025
10:00am – 11:00am

Idaho State Department of Agriculture
2270 Old Penitentiary Road
Boise, ID 83714

Join by Virtual Meeting link found [here](#)
Or on www.townhall.idaho.gov

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:

The purpose of this proposed rule is two-fold. First, to remove the previous prohibition of watercraft from the treatment area for Quagga mussel on the Snake River from Hansen Bridget to Pillar Falls.

Second, add Golden mussel to the Emergency Detection Rapid Response (EDRR) Invasive Species list. Golden mussel is an aggressive bivalve aquatic mussel that has been found in California water delivery systems. Infestations have already impacted on the delivery of water for irrigation and municipal use, and treatment efforts are already underway. Golden mussel presents significant challenges in potential spread and establishment beyond that found with the current quagga mussel infestation found in Idaho. Adding Golden mussel to the EDRR list ensures adequate legal authority for prevention and response efforts in Idaho.

Additionally, These rules mirror the temporary rule in Docket No. 02-0609-2502, which was immediately needed to protect public health and safety and reduce a regulatory burden.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: No fee is being imposed or changed because of this rulemaking.

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 as a result of this rulemaking: There is no fiscal impact on the General Fund or dedicated funds because of this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section [67-5220\(1\)](#) and [67-5221\(1\)\(j\)](#), Idaho Code, negotiated rulemaking was not feasible to conduct because of the immediate need to release the quarantine on the treatment area to allow access to the river. In addition, it was not feasible because the department needs the immediate listing of Golden mussel to ensure authority for prevention efforts, including watercraft inspection.

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:

No materials are incorporated by reference.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lloyd Knight at (208)332-8615 or Lloyd.knight@isda.idaho.gov.

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 November 26, 2025.

DATED this 5th day of November, 2025.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0609-2503

02.06.09 – RULES GOVERNING INVASIVE SPECIES AND NOXIOUS WEEDS

130. EARLY DETECTION AND RAPID RESPONSE AQUATIC INVERTEBRATE INVASIVE SPECIES.

01. Statewide EDRR AIIS List. If any of the species listed in the following table are found to occur in Idaho, they shall be reported to the Department immediately. Positive identification will be made by the Department or other qualified authority as approved by the Director. Subsections 130.02 through 130.05 are applicable to EDRR AIIS only and not to other invasive species listed in Sections 140 through 148.

Early Detection Rapid Response Aquatic Invertebrate Invasive Species (EDRR AIIS) List	
Common Name	Scientific Name
Quagga Mussel	<i>Dreissena bugensis</i>
Zebra Mussel	<i>Dreissena polymorpha</i>
Golden Mussel	<i>Linoperna foruncel</i>

[\(3-15-22\)](#)()

02. Transporting EDRR AIIS Over Public Roads. No person may transport Equipment or any Conveyance containing EDRR AIIS over public roads within the state of Idaho without first being decontaminated. (3-15-22)

03. Contaminated Conveyances in Idaho Waters. No person may place any EDRR AIIS contaminated Equipment or Conveyance into any Water Body or Water Supply System in the state of Idaho. (3-15-22)

04. Firefighting Equipment. Precautions should be taken to prevent the introduction and spread of

EDRR AIIS through firefighting activities. All firefighting agencies moving equipment into the state of Idaho shall follow protocols similar to the United States Forest Service decontamination protocols set forth in "Guide to Preventing Aquatic Invasive Species Transport by Wildland Fire Operations." Those protocols can be viewed online at https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5373422.pdf. (7-1-24)

05. Construction and Road Building and Maintenance Equipment. Construction and equipment used for road building and maintenance must be free of EDRR AIIS. If equipment that is being transported into the state of Idaho has been in an infested water body or water supply system within the preceding thirty (30) days, the equipment must be inspected in accordance with Section 132. The Department may require decontamination.

(3-15-22)

(BREAK IN CONTINUITY OF SECTIONS)

135. SNAKE RIVER QUARANTINE.

ISDA has issued a quarantine of the Snake River from Hansen Bridge to the partial bridge structure at the bottom of Yingst Grade (known as "the Broken Bridge", "Yingst Grade Bridge", the "Old Interstate Bridge"), which is approximately one-half (1/2) mile upstream of Auger Falls to contain and treat quagga mussels. Launch of watercraft or other conveyances in this section is restricted to the hours when the watercraft inspection station at Centennial Waterfront Park is open, or other such stations that may be posted at other locations in the quarantine area. All watercraft and conveyances must be inspected and decontaminated by agency personnel or an assigned entity prior to launch and prior to exit from the water. This requirement applies to all motorized and non-motorized watercraft or other conveyances of any size, including paddle boards, kayaks, and water-exposed recreational gear. ()

1356. – 139. (RESERVED)

140. INVASIVE SPECIES - AQUATIC INVERTEBRATES.

INVASIVE SPECIES - AQUATIC INVERTEBRATES		
	Common Name	Scientific Name
01.	Zebra Mussel	<i>Dreissenia polymorpha</i>
02.	Quagga Mussel	<i>Dreissenia bugensis</i>
03.	New Zealand Mud Snail	<i>Potamopyrgus antipodarum</i>
04.	Red Claw Crayfish	<i>Cherax quadricarinatus</i>
05.	Yabby Crayfish	<i>Cherax albidus/C. destructor</i>
06.	Marone Crayfish	<i>Cherax tenuimanus</i>
07.	Marbled Crayfish	<i>Procambarus fallax f. virginalis</i>
08.	Rusty Crayfish	<i>Faxonius rusticus</i>
09.	Asian Clam	<i>Corbicula fluminea</i>
10.	Spiny Waterflea	<i>Bythotrephes cederstroemi</i>
11.	Fishhook Waterflea	<i>Cercopagis pengoi</i>
12.	Marmorkrebs	<i>Procambarus sp.</i>
13.	Golden Mussel	<i>Limnoperna fortunei</i>

(3-15-22)()

IDAFA 02 – DEPARTMENT OF AGRICULTURE

02.06.33 – ORGANIC FOOD PRODUCTS RULES

DOCKET NO. 02-0633-2501

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

LINK: LSO Rules Analysis Memo and Incorporation By Reference Synopsis (IBRS)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section [22-1103](#), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The agency has opened this chapter for rulemaking for the purposes of possible amendments related to an update to the publication date for the National Organic Program Regulations that are Incorporated by Reference, and to amend the application period for organic certification to more align with crop production years. That amendment will assist the agency in better managing certification workload for customers.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 149-151](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

No changes were made to the fees in this chapter.

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:

There is no fiscal impact due to the changes in this administrative rule.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Lloyd Knight, (208)332-8615.

DATED this 7th day of January, 2026.

Lloyd B. Knight
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, ID 83707
Phone: (208)332-8615
Email: Lloyd.knight@isda.idaho.gov

THE FOLLOWING NOTICE PUBLISHED WITH THE 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 15, 2025.

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:

The agency has opened this chapter for rulemaking for the purposes of possible amendments related to an update to the publication date for the National Organic Program Regulations that are Incorporated by Reference, and to amend the application period for organic certification to more align with crop production years. That amendment will assist the agency in better managing certification workload for customers.

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

There were no changes to fees already included in the rule.

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:

There is no fiscal impact due to the amendments to this rule.

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 3, 2025 Idaho Administrative Bulletin, [Volume 25-7, p 40-41](#). The rulemaking meetings were held on July 21.

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 Code of [Federal Regulations, Title 7, Part 205](#), National Organic Program Regulations is incorporated by reference to allow the ISDA to implement the organic certification program specifically according to the National Organic Program Regulations. Incorporating these national regulations ensures that the state program is in compliance with the federal program.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lloyd Knight, (208)332-8615.

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 October 22, 2025.

DATED this 1st day of October, 2025.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0207-2501

02.06.33 – ORGANIC FOOD PRODUCTS RULES

004. INCORPORATION BY REFERENCE.

The Code of Federal Regulations, Title 7, Part 205, National Organic Program Regulations ([January 2, 2024](#)[February 21, 2025](#)), except sections 205.620 through 205.622, is incorporated by reference and can be viewed online at <https://www.ecfr.gov/current/title-7/subtitle-B/chapter-I/subchapter-M/part-205/subpart-G/subject-group-ECFR370552e56dd7aef> <https://www.ecfr.gov/current/title-7/subtitle-B/chapter-I/subchapter-M/part-205/subpart-G/subject-group-ECFR370552c56dd7aef>. Copies of this document may be obtained from the Idaho State Department of Agriculture (ISDA), 2270 Old Penitentiary Road, Boise, Idaho 83712. [\(7-1-25\)\(\)](#)

(BREAK IN CONTINUITY OF SECTIONS)

300. CERTIFICATION REQUIREMENTS AND FEES.

01. Certification Requirements. All applicants applying for certification with the Department, must submit the application to the Department on forms prescribed or approved by the Department. [\(3-15-22\)](#)

a. [The application period is November 1 through February 28 of each year for the next calendar year. Applications submitted between March 1 through May 31 will incur an additional late fee of two hundred fifty dollars \(\\$250\) applied to each late application. Applications must be complete and include a nonrefundable application fee according to Subsection 300.02 of this rule. Applications submitted after May 31 will not be accepted for the current calendar year.](#) [\(\)](#)

b. All organic food producers/handlers in Idaho with annual gross organic sales of more than five thousand dollars (\$5,000) must be certified with the Department, unless certified by agents other than the Department accredited under the National Organic Program. [\(3-15-22\)](#)

c. Producers/handlers with annual gross organic sales of five thousand dollars (\$5,000) or less may select certification. [\(3-15-22\)](#)

d. All organic food producers and organic handlers certifying with the Department are subject to an annual on-site inspection. [\(3-15-22\)](#)

02. Certification Fees. [\(3-15-22\)](#)

a. Organic producers/handlers requesting certification – Certification Application Fee of two hundred dollars (\$200) that is non-refundable. [\(3-23-23\)](#)

b. A person who produces and handles their own organic food products pays only one (1) annual certification fee based on gross annual organic sales. [\(3-15-22\)](#)

03. Certification Inspection Fees. [\(3-15-22\)](#)

a. The hourly rate is fifty dollars (\$50) including travel time. [\(3-23-23\)](#)

b. Travel time from an inspector's normal duty station to the inspection site and return to normal duty

station will be compensable time charged to the applicant. (3-15-22)

c. There will be a minimum charge of fifty dollars (\$50) plus mileage as approved by the Board of Examiners for any inspection. (3-23-23)

d. Inspections conducted on weekends, holidays, or after normal office hours will be charged at an hourly rate of sixty-five dollars (\$65) including travel time with a minimum charge of one (1) hour plus mileage. (3-23-23)

e. Upon approval by the Department, private inspectors may be utilized. The applicant bears the total cost of the private inspection. (3-15-22)

04. Additional Services/Charges. (3-23-23)

a. Private Label Arrangement – Annual fee of two hundred dollars (\$200) per arrangement assessed to ISDA certified co-packer or handler packaging and/or affixing a private label for a non-ISDA certified entity. (3-23-23)

b. Export and Transaction Certifications – Twenty-five dollars (\$25) will be assessed for each international export and transaction certificate requested. (3-23-23)

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.07.01 – RULES OF THE IDAHO HOP GROWERS' COMMISSION
DOCKET NO. 02-0701-2501 (ZBR CHAPTER REPEAL)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo](#)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224](#)(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section [22-3104](#), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

Two negotiated rulemaking meetings were held on June 18 and July 16 as part of the Zero-Based Rulemaking review. During that review the agency and the Hops Commission concluded that the administrative rule is unnecessary due to the prescriptive nature of the authorizing statute. Therefore, repeal of this rule chapter is recommended.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, page 152](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

Repeal of the rule in deference to the authorizing statute does not have an impact on the assessment authorized in the statute.

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:

There is no fiscal impact related to the repeal of this rule chapter.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Lloyd Knight, (208)332-8615.

DATED this 7th day of January, 2026.

Lloyd B. Knight
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, ID 83707
Phone: (208)332-8615
Email: Lloyd.knight@isda.idaho.gov

THE FOLLOWING NOTICE PUBLISHED WITH THE 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 22-3104](#), 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 15, 2025.

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:

Two negotiated rulemaking meetings were held on June 18 and July 16 as part of the Zero-Based Rulemaking review. During that review the agency and the Hops Commission concluded that the administrative rule is unnecessary due to the prescriptive nature of the authorizing statute. Therefore, repeal of this rule chapter is recommended.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: Repeal of the rule in deference to the authorizing statute does not have an impact on the assessment authorized in the statute.

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: There is no change in the fiscal impact related to the repeal of this rule chapter.

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 May 7, 2025 Idaho Administrative Bulletin, [Vol. 25-5, Page 37-38](#).

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: No materials are Incorporated by Reference.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lloyd Knight at (208)332-8315.

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 October 22, 2025.

DATED this 1st of October, 2025.

IDAPA 02.07.01 IS PROPOSED TO BE REPEALED IN ITS ENTIRETY