



IDAHO DEPARTMENT OF HEALTH & WELFARE
DIVISION OF PUBLIC HEALTH

Cottage Food Public Meeting Transcript

H = Division of Public Health Employee

A = Meeting Attendee

H1, H2, etc = Health District Employee

April 29th - Moscow

A: If something is put into code and approved by the legislature, and it is not in statute, is there any reason why it is not so long-termed guaranteed for our cottage food producers? I'm just trying to ascertain whether or not if it's a better thing, for kind of guaranteeing these rights that exist for it to be in the code.

H: So if I understand your question, 'if we put it in rule, can it be changed in the next couple of years,' right? Is that kind of paraphrasing your question?

A: Well, I guess so, I think what I've heard from some people is that 'if this is in statute, then our, the rights and freedoms we already have here, are guaranteed.'

H: Right.

A: I'm just wondering from your perspective if it is less of a guarantee if it is just written into code and approved than statute.

H: From my perspective, no. It is not less of a guarantee. And again, in Idaho, ultimately, all agency rules must be approved by the legislature. So, although the agency rules are a little more narrow in scope than the prevailing statute, they have to be approved by the legislature. So let's suppose in five years I want to make some changes, if we have a definition in rule. And five years comes down and I want to make some changes to that, I still would have to have that change approved at the legislative level. And before I could get there I would have to have public comment period on it, I would have to have the Board of Health and Welfare approve it then ultimately I could have the legislature approve it. Either way, it will be difficult to make changes. For context, when I talk about the Food Code updates, I'll show you we haven't had an update to our Food Code in almost twelve years. So it is a little more, I mean the process exists; it's a difficult process either way for an agency to change rules or statute.

A: I think this question really gets to the heart of the issue. And I think if there was a cottage food exemption that the legislators agreed to then it would be clear that that is the intention. So that every time rules are promulgated, it is clear that the intention is there and not excluded. And right now it is not there.

A: Are you saying in statute?

A: Yes, in statute.

A: Now, I think this is an easy fix to be able to do it through the rules and it can be very clear and helpful to all the Health Districts across the state and I think also to the farmers markets, but I think your question is a valid one and down the road, if someone besides Patrick, who doesn't know all of this history, goes in there and does some rules, it's not clear what the intention is that these discussions are about. That's just my take on it.

H: Alright, I really thank everybody for your comments tonight. Just for reference, if you have other comments, please feel free to submit them to us. There are a couple of different email addresses up there. That first one goes directly to my desk that second email is a general food safety email that we do try to check on a daily basis. Sometimes we can't get to it every day but we will get to it with some degree of regularity. 5938 goes right to Barb's desk, 5936 goes right to my desk. You can mail things in to the Food Protection Program. You do have to include that little notation about the 4th floor. Again, I want to thank you for your time.