



The Idaho Organization of Resource Councils

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March 3, 2021

Senate Agricultural Affairs Committee
State Capitol
P.O. Box 83720
Boise, ID 83720-0081

Dear Honorable Senator Van Burtenshaw and members of the Senate Agricultural Affairs Committee,

I am writing you on behalf of the board of directors, members, and staff of the Idaho Organization of Resource Councils (IORC) in opposition to HB 167, which gives industries carte blanche over reasonable, science-based regulation. IORC is a 501(c)(3) grassroots nonprofit based in Boise, Idaho with members across southern Idaho and local chapters in Bannock and Canyon Counties. IORC's mission is to empower people to improve the well-being of their communities, sustain family farms and ranches, transform local food systems, promote clean energy, and advocate for responsible stewardship of Idaho's natural resources.

While we support using the best peer-reviewed science and minimum standards to ensure scientific rigor, Idaho Code 22-101A and a number of sections of IDAPA already require the use of best available science. We also acknowledge the importance of site-specific data and proper stakeholder disclosure and thank the committee for their leadership in addressing these issues.

However, this legislation does not accomplish that. By giving "special consideration" to site-specific data, it makes the best peer-reviewed science standard unclear because it does not identify the standards or procedures ISDA should use when evaluating what data carries more weight.

Furthermore, the best peer-reviewed science standard is weakened because it is discounted in favor of economic feasibility. We question if ISDA has the expertise to make decisions about economic feasibility while also fulfilling its mission and statutory duty to serve and oversee Idaho's agricultural industry and whether this is the appropriate role for the agency.

We are concerned that HB 167 creates an unfair advantage in favor of businesses regulated under ISDA. That privilege is not shared equally across all sectors of the economy. Do businesses regulated under the Idaho Department of Lands or Department of Environmental Quality enjoy the same requirement? Does this put these other industries in your district at a disadvantage?

We would like to know how a regulated industry's externalized costs will be accounted for under this legislation. Is ISDA required to consider the cost to clean up nitrogen, phosphorus, and

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other pollutants in our water systems when analyzing economic feasibility? What about the cost to upgrade municipal wastewater systems, the health costs for people impacted by these pollutants, the cost to utilities to clean up the Snake River, or additional costs for the state to regulate water quality? This would certainly have a bearing on the outcome of any economic feasibility study.

Finally, it is not clear who the bill sponsor is as the contact is not a member of the Idaho Legislature.

Thank you for the opportunity to express our concerns.

Sincerely,
Doug Paddock
Field Organizer,
Idaho Organization of Resource Councils

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Dear Senator:

The Idaho Cattle Association (ICA) is in full support of H0167, Economic Feasibility in Rulemaking and encourages your vote in support. H0167 is legislation that was brought forward by Idaho's dairy industry but covers both the Dairy Environmental Control Act and the Beef Cattle Environmental Control Act to implement what we consider pragmatic rational in rulemaking through economic impact considerations.

H0167 would require the economic viability of best management practices and standards to at minimum be considered in the negotiated rule making process. Cattle operations are businesses that must consider economic feasibility in every aspect of their operations so it only makes sense that economic considerations are made during negotiated rulemaking.

The Idaho Cattle Feeders, a committee of ICA, has reviewed H0167 and stands in full support. Likewise, the full board of directors of ICA has reviewed and recently passed a motion supporting H0167. As Idaho's only professional organization solely dedicated to representing the interests of ranching and cattle feeding families, ICA requests your support of this legislation. Thank you for your time and consideration.

Sincerely,

Jay Smith, President
Idaho Cattle Association

