

MINUTES
SENATE AGRICULTURAL AFFAIRS COMMITTEE

- DATE:** Thursday, January 20, 2022
- TIME:** 8:00 A.M.
- PLACE:** Room WW53
- MEMBERS PRESENT:** Chairman Burtenshaw, Vice Chairman Bayer, Senators Patrick, Den Hartog, Blair (Johnson), Zito, Ricks, Nelson, and Semmelroth
- ABSENT/ EXCUSED:** None
- NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.
- CONVENED:** **Chairman Burtenshaw** called the meeting of the Senate Agricultural Affairs Committee (Committee) to order at 8:00 a.m.
- PASSED THE GAVEL:** Chairman Burtenshaw passed the gavel to Vice Chairman Bayer.
- DOCKET NO. 24-0000-2100F** **Rule 24.38.01 - Rules of the State of Idaho Board of Veterinary Medicine (Board)**, p. 494. **Tim Frost**, Administrator, Idaho Division of Professional and Occupational Licenses (DOPL), introduced himself to the Committee. **Mr. Frost** noted the presence of Russ Barron, Administrator, DOPL and Nicki Chopski, Health Professions Bureau Chief, DOPL. He described the process the Board undertook to develop the rule changes. **Mr. Frost** said the docket:
- Removed references to temporary permits and fees to align the rule with Idaho Code.
 - Simplified the continuing education (CE) rules and process and adjusted the required CE to 15 hours.
 - Consolidated CE requirements for certified veterinary technicians into the rule pertaining to veterinarian CE.
 - Updated the grounds for discipline to remove duplicative language.
 - Removed requirements that were redundant of Idaho State Board of Pharmacy statute and rules.
 - Eliminated the requirement for Committee on Human Euthanasia certification for euthanasia technicians designated as law enforcement personnel.
- DISCUSSION:** In response to Committee questions regarding CE hours and temporary licenses, **Mr. Frost** advised that Idaho's veterinarian CE requirements are similar to those of other states. He observed that CE is just one method to establish professional competency. The Board chose a 15 hour CE requirement. **Mr. Frost** stated there are no requirements for license renewal other than completing CE and paying a fee. He clarified that a 2021 law change allows a license application to be submitted at any time in the year, so the Board no longer needs temporary permits.
- MOTION:** **Senator Den Hartog** moved to approve **Docket No. 24-0000-2100F**, Rule 24.38.01. **Senator Blair** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
02-0000-2100F**

Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule, p. 5. **Lloyd Knight**, Administrator and Rules Coordinator, Idaho State Department of Agriculture (ISDA) introduced himself to the Committee. He reminded the Committee of his January 18, 2022 presentation regarding the ISDA rule process.

Dr. Scott Leibsle, Administrator for Division of Animal Industries and State Veterinarian, ISDA introduced himself to the Committee to present the changes to Rule 02.04.19. **Dr. Leibsle** gave an overview of the domestic cervidae program and discussed chronic wasting disease (CWD). He reported strong stakeholder involvement in the 2021 negotiated rulemaking process. **Dr. Leibsle** explained the rule changes eliminated the requirement for red deer purity testing, relaxed reindeer restrictions, removed a certain assessment fee, established CWD testing requirements for some cervidae imports, and eliminated a tuberculosis (TB) testing requirement for intrastate movement (see Attachment A).

DISCUSSION: In response to questions from **Vice Chairman Bayer** about red deer, **Dr. Leibsle** clarified that red deer farming is not allowed in Idaho, but red deer are sometimes cross bred with elk to obtain larger trophy animals. He reported there is no valid test for red deer genetics, making the testing requirement unreasonable.

Senator Nelson asked who decides which animals are tested for CWD. **Dr. Leibsle** advised that the producer makes the decision, and the ISDA verifies the producer performed the correct number of tests. **Senator Nelson** inquired why the national herd certification program language was stricken from the rule. **Dr. Leibsle** clarified that the program still exists, and the rule language was deleted because it was duplicative of federal regulations.

TESTIMONY: **Brian Brooks**, Idaho Wildlife Federation, testified in support of the docket because the new CWD testing requirement will help protect the domestic cervidae industry. **Mr. Brooks** mentioned CWD is always fatal and difficult to eradicate. Testing is the most successful mechanism to prevent the spread of CWD in domestic and wild herds, he said. **Mr. Brooks** urged future strengthening of the CWD testing requirement now that CWD has been identified in Idaho wild cervidae.

DISCUSSION: In response to questions from **Senator Zito** about CWD positive animals, **Mr. Brooks** replied that CWD has not yet been reported in humans and it is unknown whether it can be transmitted to humans. **Mr. Brooks** responded that it is possible to test wild game for CWD, but it is often impractical to retain the meat for the six to eight weeks it takes to receive test results. He added that CWD positive meat should be incinerated and not fed to any other animal.

TESTIMONY: **Dr. Leibsle** presented the changes to Rule 02.04.05 pertaining to Grade A milk and Manufacture Grade (MG) milk, also known as Grade B milk (see Attachment B). He observed that many changes relate to incorporation by reference updates and red tape reduction. **Dr. Leibsle** explained the milk and cream procurement and testing program. He added that stakeholders requested the ISDA reinstate its supervision of the testing program. **Dr. Leibsle** advised that the rule change makes sanitation requirements consistent between Grade A and MG milk producers.

DISCUSSION: **Vice Chairman Bayer** asked where MG milk is sold. **Dr. Leibsle** replied that fluid milk, cottage cheese, and yogurt are Grade A products, and MG milk is used to make cheese and ice cream.

In response to Senator Nelson's questions about exceptions to the CWD testing requirement, **Dr. Leibsle** responded that an exception might be granted because the animal died for a reason other than harvest and was not located for an extended period of time. He estimated the ISDA granted between 12 to 24 exceptions in 2021. **Dr. Leibsle** added that the ISDA reviews each exception and investigates producers who request multiple exceptions. **Senator Nelson** asked Dr. Leibsle to provide him with additional data on CWD testing exceptions.

TESTIMONY: **Chanel Tewalt**, Deputy Director, ISDA, introduced herself to the Committee to present the changes to Rule No. 02.06.33. **Ms. Tewalt** described the ISDA's efforts to review and revise the rule and conduct outreach to stakeholders. She explained the Idaho organic program and mentioned that the program is voluntary and funded entirely by producer and handler fees. **Ms. Tewalt** reported that stakeholders requested a fee increase to support increased use of the organic program, and she reviewed the proposed fee table (see Attachment C). She advised that the Organic Advisory Council (OAC) recommended a fee increase and adoption of some additional services. The ISDA received no negative comments about the fee increase, she said.

DISCUSSION: **Senator Blair** asked if the ISDA verifies gross sales to ensure producers paid the correct fees. **Ms. Tewalt** confirmed that the ISDA reviews actual sales for fee and industry data purposes. **Senator Blair** inquired about the location of inspectors throughout the state and the uniformity of inspection charges. **Ms. Tewalt** replied that ISDA staff are located throughout the state. She noted that the ISDA tries to schedule multiple inspections in one area for efficiency and cost savings. **Ms. Tewalt** observed that the ISDA inspection program is less expensive than inspections provided by private certifiers.

Senator Nelson asked about the \$6,500 gross sales fee cap. **Ms. Tewalt** answered that the stakeholders recommended the fee structure. She added that producers with annual sales over \$500,000 are likely multi-state operations that typically certify with a private certifier. **Ms. Tewalt** offered to provide data on the number of producers who reach the fee cap.

TESTIMONY: **Tim Sommer**, Purple Sage Farms, testified in support of the docket. **Mr. Sommer** complimented the ISDA for its partnership with the organic industry. He remarked that he serves on the OAC, and the OAC was unanimous in its approval of the rule changes. **Mr. Sommer** advised that the ISDA was forced to limit new participants three years ago due to lack of funding to expand the program.

DISCUSSION: **Senator Den Hartog** asked if the cap on participants still exists. **Mr. Sommer** responded that the ISDA now has enough trained inspectors to manage the workload and the cap was removed.

Vice Chairman Bayer asked for an explanation of the changes to Rule 02.06.06 and Rule 02.06.09. **Mr. Knight** explained that some invasive species were removed from the list in Rule 02.06.09 because they are regulated in other rules. He stated the certification fees for the voluntary weed free forage program were increased at the request of county weed agents who use the program. **Mr. Knight** reported that two rules related to regulated pests in Rule 02.06.06 were combined. There was consensus from stakeholders on all changes, he said.

MOTION: **Senator Den Hartog** moved to approve **Docket No. 02-0000-2100F**. **Senator Semmelroth** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Vice Chairman Bayer passed the gavel to Chairman Burtenshaw.

ADJOURNED: There being no further business at this time, **Chairman Burtenshaw** adjourned the meeting at 9:16 a.m.

Senator Burtenshaw
Chair

Jeanne Jackson-Heim
Secretary