

MINUTES
SENATE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Tuesday, January 16, 2024

TIME: 8:00 A.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Hartgen, Vice Chairman Nichols, Senators Foreman, Hart, Schroeder, Carlson, Zuiderveld, Semmelroth, and Taylor

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 Hartgen** called the meeting of the Senate Agricultural Affairs Committee (Committee) to order at 8:00 a.m.

WELCOME AND INTRODUCTION:

Chairman Hartgen welcomed the returning Committee members and the new Senate Page Sydney Newton and asked her to introduce herself to the Committee.

Ms. Newton expressed her readiness to be a Senate page. She stated she was from Fairfield Idaho and a senior in high school. She informed the Committee she planned a life in Criminal Justice and Law Enforcement in the future.

PASSED THE GAVEL: **Chairman Hartgen** passed the gavel to Vice Chair Nichols.

DISCUSSION: **Vice Chair Nichols** detailed the dockets and rules to be presented by the Idaho State Department of Agriculture (ISDA)

Vice Chair Nichols introduced Lloyd Knight, Deputy Director, ISDA.

DOCKET NO. 02-0601-2301 **Rules Governing the Production and Distribution of Seed (Fee Rule) - Proposed Rule.** **Lloyd Knight**, Deputy Director, Idaho State Department of Agriculture (ISDA) presented **Docket No. 02-0601-2301**. He detailed the rules governing the production and distribution of seed. The ISDA was petitioned by the Idaho Eastern Oregon Seed Association to open rule-making regarding the service fee schedule for the state seed lab. The petition expressed concern that the fee schedule for the lab was under the market value. The increased fee schedule was 51 percent across the board. **Mr. Knight** noted the fiscal impact would be around \$100,000 dollars of additional revenue to the seed lab.

TESTIMONY: **Roger Batt**, Executive Director, Idaho Eastern Oregon Seed Association, initiated the fee increase based on inflation. He stated the seed lab was undercutting private industry. The increase would match other states' labs. Seed testing was heavily depended on in order to export seed to other countries. Testing was needed in order to receive certifications. He asked the Committee for their support on this fee rule.

Richard Winn, HM.Clause, Inc and **Jared Gebaur**, Seed Lab Advisory Board, testified in support of the fee increase.

**DOCKET NO.
02-0213-2301**

Commodity Dealers' Rules (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule. Jared Stuart, Administrator, Idaho State Department of Agriculture (ISDA) presented **Docket No. 02-0213-2301**. He explained the scope of the rule was to clarify the procedure for licensing, collection, remittance of assessments, determining claim value, maintaining electronic records, use of electronic scales, and remedies for the Department for non-compliance. It removed unnecessary, duplicative, and redundant language. He stated public meetings were conducted via video conference, there was stakeholder involvement, and there were no written comments submitted. (Attachment 1)

**DOCKET NO.
02-0214-2301**

Rules for Weights and Measures - Proposed Rule. Jared Stuart, Administrator, ISDA, presented **Docket No. 02-0214-2301**. He indicated the proposed rule updated the publication date for the document incorporated by reference at Section 004.01. He explained the publication edition was updated to 2023 for the National Institute of Standards and Technology, Handbook No. 44. This handbook contained the specifications, tolerances, and other technical requirements for commercial weighing and measuring devices. (Attachment 2)

**DOCKET NO.
02-0215-2301**

Rules Governing the Seed Indemnity Fund (ZBR Chapter Rewrite, Fee Rule- Proposed Rule. Jared Stuart, Administrator, ISDA presented **Docket No. 02-0215-2301**. He explained the rule clarified the procedure for licensing, collection and remittance of assessments, determining claim value, maintenance of electronic records, use of electronic scales, and remedies of the ISDA for non-compliance. It removed unnecessary and duplicate language already found in statute. (Attachment 3)

**DOCKET NO.
02-0602-2301**

Rules Governing Registrations and Licenses - Proposed Rule Andrea Thompson, Administrator, Plant Industries Division, ISDA, presented **Docket No. 02-0602-2301**. She mentioned the rules governing registrations and licenses pertained to commercial feeds, fertilizers, and soil and plant registrants who sold or distributed products in the state of Idaho. **Ms. Thompson** gave a brief summary of Idaho's commercial feed law. The claims made on commercial feed labels were reviewed for value and quality of feed in animal feeds and pet foods. It allowed Idaho-produced feed products to freely move interstate. It assured the product label followed a standardized form and contained safe ingredients. Consumers would have confidence the products purchased were healthy and safe. The proposed rule included updates to the publication dates for publications incorporated by reference in the rule. The two publications include standardized definitions and standards utilized by states to regulate commercial feed, commercial fertilizer, and soil and plant amendments. The American Association of Feed Control Officials and the American Association of Plant Food Control's official manual, both set standards for labeling requirements of fertilizer, soil, and plant amendments.

**DOCKET NO.
02-0604-2301**

Rules Governing Plant Exports (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule. Andrea Thompson, Administrator, Plant Industries Division, ISDA, presented **Docket No. 02-0604-2301**. She explained these rules governed the production of pest-free plants, plant products, and like inspections. She also stated that they provide procedures for compliance with phytosanitary regulations of other states and foreign countries and protect Idaho agriculture from the introduction of foreign pests on imported plants and materials. These rules also govern procedures for voluntary certification of virus-free nursery stock for export. **Ms. Thompson** explained the Export Program manual, and shared that it was an internationally recognized program facilitated by the USDA and was implemented at the state level by the ISDA. The purpose was to have a response plan for high risk plant material that could endanger Idaho agriculture. The rules also established a ginseng registration and export program to protect American ginseng.

Ms. Thompson mentioned the primary topic was user fees on field inspection and phytosanitary certification. The goal was to make the program self-sufficient. The rush fee was due when a customer needed service sooner than a three or four day turnaround. The ISDA only charged rush fees when a customer requested sooner than one business day or a specific time on a specific day.

Senator Taylor questioned Ms. Thompson on why wild ginseng was specifically mentioned.

Ms. Thompson replied that wild ginseng was an endangered species that had to maintain its own separate registration program to prevent illegal trade

Senator Zuiderveld questioned Ms. Thompson on what "like inspections" were.

Ms. Thompson explained that "like inspections" were a clean plant health inspection or quarantine pest inspection that generally did not fall within phytosanitary certifications.

Vice Chair Nichols inquired how the fee costs were determined.

Ms. Thompson replied fee structures were established to cover department expenses to maintain the program.

**DOCKET NO.
02-0609-2301**

Rules Governing Invasive Species and Noxious Weeds - Proposed Rule. **Lloyd Knight**, Deputy Director, ISDA, presented **Docket No. 02-0609-2301**. He stated the department cut sections related to invasive insects and mollusks that should have been kept in the ZBR rule-making. There were export concerns with invasive insects and mollusks coming into the state of Idaho. These concerns were added back on the list, with the addition of common grass which was identified in Ada county. It was added to the emergency detection rapid response (EDR) list for noxious weeds.

**DOCKET NO.
02-0633-2301**

Organic Food Products Rules - Proposed Rule. **Jared Stuart**, Administrator, ISDA, introduced **Docket No. 02-0633-2301**. He stated the proposed rule updated the publication date for the federal National Organic Program Regulations that were effective March 20, 2023. The rule needed to be current with the national regulation in order to ensure organic certifications were valid for customers that utilized the agency certification. (Attachment 4)

**PASSED THE
GAVEL:**

Vice Chair Nichols passed the gavel back to Chairman Hartgen.

ADJOURNED:

There being no further business at this time. **Chairman Hartgen** adjourned the meeting at 8:38 a.m.

Senator Hartgen
Chair

Melissa Price
Secretary