

MINUTES
SENATE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Thursday, February 29, 2024

TIME: 8:00 A.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Hartgen, Vice Chairman Nichols, Senators Foreman, Hart, Schroeder, Forsmann (Carlson), Zuiderveld, Moser (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: **Chairman Hartgen** welcomed Senator Forsmann in for Senator Carlson and Senator Moser in for Senator Semmelroth. **Chairman Hartgen** then introduced Senator Harris.

H 474 **Pesticides and Chemigation - Adds to existing law to provide for false reports of damage claims.** **Senator Harris** stated **H 474** added a new section to Title 22, Chapter 34, Idaho Code. He expressed that under Idaho law, false damage claims would become a misdemeanor. As the law stood presently, the Idaho State Department of Agriculture (ISDA) would investigate a claim and determine whether or not the claim was valid. If the claim was valid, the ISDA would take regulatory action against the applicator. If the claim was found not to be valid or false, the claim was closed. The problem over the past several years, aerial applicators had experienced an increased number of false complaints; and at the same time, a significant number of calls to local law enforcement had increased. **Senator Harris** remarked this legislation would allow the ISDA and local law enforcement to refer the claims knowingly to be false to the county prosecutor for review. The legislation would not limit the publics' ability to report legitimate claims. **Senator Harris** then introduced David Lehman.

TESTIMONY: **David Lehman**, Idaho Agricultural Aviation Association spoke in support of **H 474**. He pointed out some claims were legitimate and were addressed by the ISDA, there had been an increased number of false claims that involved local law enforcement. He mentioned there was a noted rise in repeat offenders and it suggested a deliberate attempt to cause problems for the aerial applicators. He mentioned that new homeowners' were moving into rural areas and were unfamiliar with country life and the presence of aerial applicators.

DISCUSSION: **Vice Chair Nichols** asked what was the number of increased calls.

Mr. Lehman responded he did not have the exact number of increased calls. He added some treatment areas were near homeowners' property. Those areas would require law enforcement to be present when aerial applicators treated the area. Any time an aerial applicator treated an area near a homeowners' property, the calls increased.

Senator Schroeder asked how a damage claim worked.

Mr. Lehman responded a claim was made with the ISDA or local law enforcement. The ISDA would contact the aerial applicator and find out exactly what area had been treated. The ISDA would inspect the treated area and look for the drift of any chemicals. If the ISDA found there was chemical drift, a damage claim would be processed. If there was no sign of damage the claim would be closed.

Senator Schroeder asked how a false claim was determined.

Mr. Lehman responded it was the repetitiveness of the claims. If a claim was reported from the same persons/homeowners' every time an aerial applicator flew near their property, and the claim turned out to be false, it was determined to be a false claim.

Senator Zuiderveld asked if there was an increase in calls from new homeowners moving to the country.

Mr. Lehman responded the development of agricultural land into subdivisions brought new homeowners into rural areas. These new homeowners appeared to be unfamiliar with country living. The calls increased when planes flew near their homes. He suggested education for new homeowners moving into rural areas might help.

TESTIMONY: **Jonathan Oppenheimer**, Idaho Conservation League, spoke in opposition to **H 474**. He stated it was already considered illegal to knowingly provide false information. He stated there needed to be records of all of the false claims.

DISCUSSION: **Vice Chair Nichols** asked what Mr. Oppenheimer was against.

Mr. Oppenheimer replied continued false claims needed to be recorded. He stated it was already a misdemeanor to report false information which made **H 474** unnecessary and redundant.

DISCUSSION: In closing, **Senator Harris** reaffirmed **H 474** was in regards to the reporting of false claims and recording them. He stated legal action needed to be taken in response to the increased repeated false claims. He asked the Committee to send **H 474** to the floor with a **do pass** recommendation.

MOTION: **Vice Chair Nichols** moved to send **H 474** to the floor with a **do pass** recommendation. **Senator Taylor** seconded the motion. The motion passed with a **voice vote**. **Senator Foreman** asked to be recorded as voting nay.

H 549

Chemigation - Amends existing law to revise provisions regarding pesticide and chemigation applicators and licensing, chemical suppliers, and inspections. Representative Durrant, District 23, stated the intention of **H 549** was to separate chemigation from federal licensing requirements. It would allow Idaho to develop licensing guidelines in partnership with farmers and applicators. She mentioned pesticide applicators were regulated by the Environmental Protection Agency (EPA). This legislation would allow the ISDA to create a certification and training program focused on chemigation.

Jerom Jemmett, President, Idaho Onion Growers' Association, spoke in support of **H 549**. He stated the bill would modernize requirements to obtain a chemigation license. He affirmed he was a licensed chemigator, one of 1,800 in Idaho. Idaho law mirrored federal regulations for all licensing types, even though federal regulation did not mandate chemigation licensing. **Mr. Jemmett** added **H 549** would separate chemigation from the current licensing structure and allow Idaho to implement a State structure developed with input from the industry. This would allow onion producers and other producers to apply vital nutrients to their crops through chemigation without having to obtain a private applicator license. He stated chemigation was the process by which chemicals (fertilizers or pesticides) were added to irrigation water and then applied to land, crops, or plants. **Mr. Jemmett** stated the chemicals were never airborne (Attachment 1).

DISCUSSION: **Vice Chair Nichols** inquired what were the requirements of chemigation.

Mr. Jemmett replied a person must become a licensed private applicator with the ISDA first. He stated to remain a current chemigator he must receive six credits every two years from the ISDA.

MOTION: **Vice Chair Nichols** moved to send H 549 to the floor with a **do pass** recommendation. **Senator Schroeder** seconded the motion. The motion passed with a **voice vote**.

MINUTES APPROVAL: **Senator Schroeder** moved to approve the Minutes of February 15, 2024. **Vice Chair Nichols** seconded the motion, the motion passed by **voice vote**.

MINUTES APPROVAL: **Senator Schroeder** moved to approve the Minutes of February 20, 2024. **Senator Taylor** seconded the motion, the motion passed by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairman Hartgen** adjourned the meeting at 8:34 a.m.

Senator Hartgen
Chair

Melissa Price
Secretary