

MINUTES
HOUSE AGRICULTURAL AFFAIRS COMMITTEE
BOYLE SUBCOMMITTEE
Livestock Rules Review

DATE: Wednesday, January 18, 2012

TIME:

PLACE: Room EW20

MEMBERS: Chairman Boyle, Representatives Lake, McMillan, Batt

**ABSENT/
EXCUSED:** None.

GUESTS: Kevin Merritt, ISDA; Brent Olmstead, MPIIdaho; Carol Youtz, Karen Ewing, Board of Veterinary Medicine; Brian Oakey, John Bilderback, Wyatt Prescott, Marv Patten, Katie Mink, Michael Cooper, ISDA.

Subcommittee Chairman Boyle called the meeting to order at 2:01 p.m

DOCKET NO. 46-0101-1101: **Karen Ewing**, Executive Director, Board of Veterinary Medicine, said this rule takes out the requirement for the Board to review nation exam candidates. She said the rule also relates to application fees, making them non refundable. Ms. Ewing said the rule also adds a phrase to the Board record keeping standards, removing the current required written release from an owner for veterinarians to give records to another veterinarian. She said veterinarians were fine with this change and records are still confidential.

The committee expressed concern regarding the change in the refund of the application fee, that the Board should still refund the fee for withdrawing an application as well as for the denial of a license.

MOTION: **Rep. Batt** made a motion to recommend approval of **Docket No. 46-0101-1101** with the exception of **Section 100.02. Subsection c.** to the full committee. **Motion carried by voice vote.**

DOCKET NO. 46-0101-1102: **Karen Ewing** said the Board of Veterinary Medicine's budget projections show the balance will drop to an unacceptable low level over the next two years and there has not been an increase in fees since 1999. She said the board must be fiscally self sufficient. She stated currently the license fees are most of the Board's budget and the annual license renewal fees paid by active veterinarians are the Board's most significant source of revenue. Ms. Ewing reviewed the changes in the fees and said the fee increase will place the Board in the middle for veterinarian licensing renewal fees for the 18 western states.

MOTION: **Rep. Lake** made a motion to recommend approval of **Docket No. 46-0101-1102** to the full committee. **Motion carried by voice vote** with **Rep Batt** being recorded as voting **NAY**.

DOCKET NO. 02-0418-1101: **John Bilderback**, Dairy & CAFO Programs, Dept. of Agriculture reviewed the changes relating to the Poultry Environmental Control Act. He said there were changes needed to revise the CAFO siting team rule which provides counties with a definition of CAFO. He said they also took out the definition of animal units.

Mr. Bilderback answered questions from the Subcommittee saying the rule is consisted with H 150 aa. He said the addition of language to the Best Management Practices section was added to provide consistency in the rule and the CAFO team has never addressed odor issues it has always been a water based assessment. He said the team will be providing recommendations to the county and this doesn't include enforcement.

Brian Oakey, Deputy Director, Dept. of Agriculture, said this was not an attempt to expand the teams authority in addressing odor and water quality issues. He said it is intended to bring the rule in line with other definitions in rules that the agency implements.

MOTION: **Rep. Lake** made a motion to recommend approval of **Docket No. 02-0418-1101** to the full committee. **Motion carried by voice vote.**

DOCKET NO. 02-0430-1101: **John Bilderback** outlined the changes to the rule saying a definition for poultry CAFO was added and some language was moved from one section to the next. He said other definitions were also added.

MOTION: **Rep. Lake** made a motion to recommend approval of **Docket No. 02-0430-1101** to the full committee. **Motion carried by voice vote.**

DOCKET NO. 02-0432-1101: **John Bilderback** said these changes will bring the rule into line with the Poultry Environmental Control Act that was passed last year. He reviewed the people involved in the negotiated rulemaking process. He said this rule is modeled after the dairy and beef rule with some additions from the national guidelines for construction. Mr. Bilderback gave a brake down on the size of operations, saying large CAFO's are similar to the dairy rule regarding discharge of waste. He said this also outlines permit and application procedures. He said all the facilities that the rule is applicable to will have a management plan.

In response to Committee questions, **Mr. Bilderback**, said there is currently one existing facility, one facility developed last summer that has been operating for five months and one that is in construction now, so there is a need for the rule. Mr. Bilderback also said the fee was established in statute last year and the agency is authorized to charge a fee for the administrative cost of running the program.

Marv Patten, Dept. of Agriculture, responded to questions from the Committee saying, these are not intended to be more stringent rules regarding nitrate regulation, he explained the process of monitoring a facility.

MOTION: **Rep. Lake** made a motion to recommend approval of **Docket No. 02-0432-1101** to the full committee. **Motion carried by voice vote.**

DOCKET NO. 02-0409-1101 **Marv Patten**, Bureau Chief, Dairy & CAFO Programs, said this new rule is based on legislation passed last year. He gave a brief background of the rule and the process of negotiation in the rulemaking.

MOTION: **Rep. Batt** recommend approval of **Docket No. 02-0409-1101** to full the committee. **Motion carried by voice vote.**

DOCKET NO. 02-0420-1101: **Dr. Bill Barton**, Administrator & State Veterinarian, Division of Animal Industries, said this Rule was implemented as a Temporary Rule and is now a Pending Rule. He said definitions were added for a Herd Management Plan. He outlined the Designated Surveillance Area, and reviewed the ID and testing requirements.

In response to Committee questions, **Dr. Barton** said they felt the need to define Herd Management Plan because it is mentioned later in the Rule, he gave examples of how extensive a management plan might be depending on the producer. Dr. Barton answered more questions from the Committee regarding the requirement for individual identification, that there will be resistance. Dr. Barton said this is in anticipation of the implementation of a new federal rule requiring all cattle originating in Idaho to be individually identified.

Rep. Batt mentioned to the Subcommittee that a memo has been drafter addressing the concerns on the tightening of the language in the definition of Designated Surveillance Area.

Dr. Barton also responded to Committee questions regarding cooperation from the Department of Fish and Game on elk herds in the Designated Surveillance Areas, saying they are continuing to work closely and have continued and increasing surveillance, good data and sample kits sent from hunters.

Wyatt Prescott, Idaho Cattle Assoc., said the Board viewed the restrictions for individual ID and it's a matter of maintaining a viable market. He said some states are imposing more restrictions on Idaho and many cattle are already IDed through this process. He said the Idaho Cattle Association Board did recommend to the Department that they support the change in Rules for ownership testing. He said they tried to make clear through the media to get questions raise on individual IDs but haven't seen any negative feedback and no formal complaints to the Rule change.

MOTION: **Rep. Lake** made a motion to recommend approval of **Docket No. 02-0420-1101** with the exception of **Section 123. Subsection 01. Motion carried by voice vote.**

MOTION: **Rep. Batt** made a motion to include the memo on the definition of Designated Surveillance Area in the minutes. **Motion carried by voice vote.**

DOCKET NO. 02-0426-1101: **Dr. Bill Barton**, said this Rule is a house keeping issue and requires a charter fee be established in the Rules. He said if it is so established, there will be an annual charter fee of \$100.00.

MOTION: **Rep. Lake** made a motion to recommend approval of **Docket No. 02-0426-1101** to the full committee. **Motion carried by voice vote.**

DOCKET NO. 02-0602-1101: **Mike Cooper**, Bureau Chief, Division of Plant Industries said this is the annual housekeeping Rule adopting the reference manual listing feed ingredients that change from year to year. He said it also includes the website of where to get the manual.

MOTION: **Rep. Batt** made a motion to recommend approval of **Docket No. 02-0602-1101** to the full committee. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the Subcommittee the meeting adjourned at 3:30 p.m.

Representative Judy Boyle
Chairman

Susan Werlinger
Secretary