

MINUTES
SENATE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Thursday, January 19, 2012
TIME: 8:00 A.M.
PLACE: Room WW53
MEMBERS PRESENT: Chairman Siddoway, Vice Chairman Smyser, Senators Corder, Pearce, Hammond, Vick, Bock, and Schmidt
ABSENT/ EXCUSED: Senator Nuxoll
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.
MINUTES: **Chairman Siddoway** called the meeting to order at 8:03 a.m.
MOTION: **Vice Chairman Smyser** moved, seconded by **Senator Vick**, to approve the minutes from January 12, 2012. The motion carried by **voice vote**.

RS 20767C3 **Chairman Siddoway** introduced **Lloyd Knight**, Administrator, Division of Plant Industries, Idaho State Department of Agriculture (ISDA), who outlined changes to the Commercial Feed Law. **Mr. Knight** indicated the ISDA has been working on changes for a year now with much outreach and research with industry stakeholders. The amendment to the Idaho Code would revise definitions and remove a definition for tonnage-only distributor; revise provisions relating to registration, to provide for the review of labels, to remove provisions relating to Idaho registrants and Idaho tonnage-only distributors and to provide a correct code reference. The amendment relating to inspection fees and reports would also provide correct citations to the federal Food, Drug and Cosmetic Act; provide for separate notices for each inspection, to provide that notice shall not be required for each entry made during the period covered by the inspection, to provide for receipts relating to any sample or samples taken in the course of an inspection and to provide a correct code reference. **Mr. Knight** indicated the proposal will provide the agency the ability to prioritize and be held accountable to ensure timely response for inspections and reviews.

Chairman Siddoway said some Committee members have been contacted by a national organization that expressed concerns that Idaho is moving in a different direction with its requirements, moving away from tonnage reports while other states are moving toward tonnage reports. **Mr. Knight** replied that his office has also been contacted by the national organization that raises the point of consistency among the states; however, the manufacturers and distributors his office met with demonstrate that Idaho is different than other states in many respects, and that tonnage reports have become cumbersome.

Senator Corder asked how many states in the country have feed laws and whether they operate with tonnage reports or registration. **Mr. Knight** replied that nearly all states have regulations regarding Feed Laws, but each state is different, and that only about a dozen states are working under the model the national organization is suggesting, stating that to have every state operate the same way would be impractical because each state has different needs. Idaho is one of a few states that performs detailed label reviews.

Senator Corder asked that when Mr. Knight returns to discuss this proposal further that he bring a report demonstrating the breakdown of Feed Laws from states across the nation that may also demonstrate a causal relationship between the diversity of agricultural commodities produced in the state and the regulation form used.

Senator Pearce asked how the changes would influence and impact cases when people go to big mills to have a supplement or mineral mixed and make their own label. **Mr. Knight** replied this would be a Custom Formula Mix, which would remain exempt.

MOTION: **Senator Corder** moved, seconded by **Senator Pearce**, to print RS 20767C3. The motion carried by **voice vote**.

Chairman Siddoway passed the gavel to **Vice Chairman Smyser** for the Committee's consideration of pending rules.

DOCKET NO: **Vice Chairman Smyser** introduced **Mike Cooper**, Bureau Chief, Division of Plant Industries, Idaho State Department of Agriculture, who outlined a pending rule relating to the Idaho Commercial Feed Law. This rule allows the ISDA to adopt and use the new 2012 version of the Association of American Feed Control Officials (AAFCO) manual, replacing the 2011 edition.

MOTION: **Senator Schmidt** moved, seconded by **Senator Vick**, to adopt Rule No. 02-0602-1101. The motion carried by **voice vote**.

DOCKET NO: **Mr. Cooper** outlined a pending rule relating to Idaho Fertilizer Law. This rule allows the ISDA to adopt and use the 2012 Association of American Plant Food Control Officials (AAPFCO) manual, replacing the 2011 edition. The manual is used daily by staff to review labels and analyze ingredients. The Rule would also replace language outlining enforcement guidelines with civil penalties at the discretion of the Director in accordance with Idaho Code.

Senator Pearce requested further information on how much testing is performed on fertilizer in the State of Idaho. **Mr. Cooper** replied that he doesn't have exact figures today but could get them if necessary. He went on to describe that inspectors screen fertilizers from off the shelves, as well as those directly mixed at mills.

Senator Schmidt asked for clarification on the removal of civil penalties for violations and whether the violation review process would be public. **Mr. Cooper** said it would be a public document as per state law.

Senator Corder asked if the violation penalties guidelines would be similar to what is being replaced in the rule. **Mr. Cooper** said yes, it would.

Senator Vick asked how the document is written and if the process for determining the penalties would be a public process. **Mr. Cooper** replied that the publication is handled within the department and is reviewed by department legal staff and approved by the Director. **Senator Vick** asked to comment that it seems odd that the Department can set their own penalties. **Mr. Cooper** replied that the penalties stay within the guidelines of the law.

MOTION: **Senator Corder** moved, seconded by **Senator Hammond**, to adopt Rule No. 02-0612-1101. The motion carried by **voice vote**.

DOCKET NO: **Mike Cooper** outlined a pending rule relating to the Idaho Bee Inspection Law. This rule reflects updates in the renumbering of the Bee Inspection Law and adds emphasis on which diseases will be inspected.

Vice Chairman Smyser asked if the bee industry has been notified of these changes. **Mr. Cooper** indicated this information was presented at the annual meeting.

Senator Pearce asked if the department has the support of the bee industry. **Mr. Cooper** said there has been no feedback since the annual meeting in December.

Senator Corder asked if there would still be at least a requirement for one annual inspection? **Mr. Cooper** said there is no longer that requirement and that inspections are only done upon complaint or request, or if bees were being transported to another state that still requires it, noting that most western states have ended the requirement, including California who dropped it 10-15 years ago. **Senator Corder** asked if it is a concession in the industry, that they no longer expect to control disease so they are giving up. **Mr. Cooper** replied that it's generally expected in the bee industry that if they're not managing their bees and their diseases appropriately then they won't be in business very long.

Vice Chairman Smyser asked about problems with bee disease in Idaho and the United States. **Mr. Cooper** stated that Colony Collapse Syndrome is a problem and that most bee keepers normally expect a 5-10% loss each year, which in some cases has jumped to 40-50% loss. 100% loss hasn't happened in Idaho but it has in other parts of the country. **Mr. Cooper** says it all depends on what kind of manager the keeper is.

Senator Vick asked if the bee industry is growing or declining in Idaho. **Mr. Cooper** indicated it has declined for a number of years but it has stabilized in the commercial side, with about 90-100 commercial operations in Idaho right now. He noted that hobbyist bee keepers have increased greatly, especially in the Treasure Valley.

MOTION: **Senator Pearce** moved, seconded by **Senator Schmidt**, to adopt Rule No. 02-0630-1101. The motion carried by **voice vote**.

DOCKET NO: **02-0620-1101** **Mike Cooper** outlined a pending rule relating to rules governing Grape Planting Stock. This rule updates and clarifies the requirements for shipping grape planting stock into Idaho. He indicated that the rule has been on the books since 1972 and needs to be updated to reflect current industry practices and to have common regulations for all types of grapes, considering disease issues can be the same in all types of grapes. The new rules were patterned after the rules on the books in Oregon and Washington.

Vice Chairman Smyser asked if the wine associations are in agreement with these rules. **Mr. Cooper** replied yes and they monitored the changes happening in Oregon and Washington and modeled these rule changes after those states.

Chairman Siddoway asked what the common name is for methyl bromide. **Mr. Cooper** replied there are many different brand names for methyl bromide.

MOTION: **Senator Hammond** moved, seconded by **Chairman Siddoway**, to adopt Rule No. 02-0620-1101. The motion carried by **voice vote**.

DOCKET NO: **02-0641-1101** **Mike Cooper** outlined a pending rule relating to the Idaho Soil and Plant Amendment Act of 2001. This rule incorporates by reference the 2012 version of a document and amends labeling requirements. The rule allows the Department to use the American Association of Plant and Food Control Officials (AAPFCO) manual for reference. It also revises the rule to change the content requirements for labeling on some products that are what they are, such as a bag of peas is a bag of peas.

MOTION: **Chairman Siddoway** moved, seconded by **Senator Vick**, to adopt Rule No. 02-0641-1101. The motion carried by **voice vote**.

DOCKET NO: **02-0633-1101** **Vice Chairman Smyser** introduced **Brandon Lamb**, Organic Program Manager, Division of Agricultural Inspections, Idaho State Department of Agriculture, who outlined the pending rule relating to Organic Food Product. This rule eliminates the current certification deadline that is more stringent than the National Organic Program Regulations.

Changes will comply with House Bill 35 that was passed in 2011 and will also allow for more flexibility for producers, inspectors and for increased organic cost-share distributions. The reason for eliminating the fees charged for chemical residue analysis is that it's stricter than the national rule. Mr. Lamb said these proposed changes were presented before the 2011 Organic Advisory Committee and have their support.

Vice Chairman Smyser asked Mr. Lamb what is meant by cost-share analysis. **Mr. Lamb** replied that cost-share under the Farm Bill allows organic producers and processors to be reimbursed 75% of the cost of certification up to \$750.

Senator Schmidt asked if the cost for residue testing is covered. **Mr. Lamb** replied that the cost must be borne by the state of Idaho according to federal law. **Mr. Schmidt** asked for an annual estimated cost to the department. **Mr. Lamb** said approximately \$10,000.

Vice Chairman Smyser asked how many organic farms there are in Idaho. **Mr. Lamb** said there are 225 to 250 in Idaho.

Senator Pearce asked if there is a process by which a constituent could have a product tested, when the product labeled organic came out of China, and find out if it was safe to eat. **Mr. Lamb** replied that national accredited agents and inspectors test all incoming organics.

MOTION: **Chairman Siddoway** moved, seconded by **Senator Hammond**, to adopt Rule No. 02-0633-1101. The motion carried by **voice vote**.

ADJOURN: **Chairman Siddoway** adjourned the meeting at 8:59 a.m.

Senator Siddoway
Chairman

Christy Stansell
Secretary