

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT MEMORIAL NO. 7

BY STATE AFFAIRS COMMITTEE

A JOINT MEMORIAL

1 TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS
2 ASSEMBLED, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF
3 IDAHO IN THE CONGRESS OF THE UNITED STATES AND TO THE COMMISSIONER OF THE
4 UNITED STATES FOOD AND DRUG ADMINISTRATION.
5

6 We, your Memorialists, the House of Representatives and the Senate of
7 the State of Idaho assembled in the Second Regular Session of the Sixty-sec-
8 ond Idaho Legislature, do hereby respectfully represent that:

9 WHEREAS, the Food Safety Modernization Act (FSMA) was approved by Con-
10 gress in 2010 and signed into law in 2011; and

11 WHEREAS, the Food and Drug Administration (FDA) has issued proposed
12 rules to implement FSMA; and

13 WHEREAS, compliance with these proposed FDA rules will be a financial
14 burden and impossible or impractical throughout much of Idaho; and

15 WHEREAS, the FDA's proposed Produce Rule would require that irrigation
16 water used to grow over 200 varieties of fresh produce must meet numeric wa-
17 ter quality standards for primary contact recreation; and

18 WHEREAS, the Produce Rule from the FDA would further require water users
19 to test their irrigation water and immediately cease the use of irrigation
20 water that does not meet the numeric water quality standards for primary con-
21 tact recreation; and

22 WHEREAS, the proposed FDA Produce Rule would further require water
23 users to treat irrigation water so that it meets the required recreation
24 standard, or to obtain an alternative irrigation water supply that meets the
25 standard; and

26 WHEREAS, application of the proposed FDA Produce Rule would eliminate
27 many existing surface irrigation water supplies from continued use for the
28 growing of fresh produce in Idaho; and

29 WHEREAS, the total first-year cost of the FDA Produce Rule is estimated
30 by the FDA to average \$30,566 per farm; and

31 WHEREAS, the FDA's proposed Transportation Rule would require certain
32 shippers, receivers and carriers who transport food by motor or rail vehi-
33 cles to take steps to prevent the contamination of human and animal food dur-
34 ing transportation; and

35 WHEREAS, the proposed Transportation Rule would establish requirements
36 for vehicle and transportation equipment, transportation operations, in-
37 formation exchange, training, records and waivers; and

38 WHEREAS, the total first-year cost of the Transportation Rule is esti-
39 mated by the FDA to average \$1,784 per business.

40 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular
41 Session of the Sixty-second Idaho Legislature, the House of Representatives
42 and the Senate concurring therein, that we oppose the FDA's proposed Produce
43 Rule and the adoption of any numeric water quality standard for irrigation

1 water and urge the Commissioner of the Food and Drug Administration to sus-
2 pend the imposition of rules to implement the Food Safety Modernization Act
3 and to conduct a national review of the impact of the Produce and Transporta-
4 tion Rules and all future FSMA rules until such time as a clear understanding
5 of their impact can be determined.

6 BE IT FURTHER RESOLVED that we support the enactment of legislation by
7 Congress to prohibit the FDA from adopting the proposed Produce Rule or any
8 numeric water quality standard for irrigation water.

9 BE IT FURTHER RESOLVED that the Chief Clerk of the House of Represen-
10 tatives be, and she is hereby authorized and directed to forward a copy of
11 this Memorial to the President of the Senate and the Speaker of the House of
12 Representatives of Congress, the congressional delegation representing the
13 State of Idaho in the Congress of the United States and the Commissioner of
14 the United States Food and Drug Administration.