

MINUTES
HOUSE AGRICULTURAL AFFAIRS COMMITTEE
BOLZ SUBCOMMITTEE
Crops Rules

DATE: Tuesday, January 14, 2014

TIME: 1:38 P.M.

PLACE: Room EW42

MEMBERS: Chairman Bolz, Representatives Batt, VanOrden, Stevenson, Agidius, Erpelding

**ABSENT/
EXCUSED:** Representative Agidius

GUESTS: Lloyd Knight, ISDA; Wayne Hammon, Idaho AGC; Matt Voile, ISDA; Brian Wilbur, Ada County; Ben Miller, ISDA; Lacey Menasco, Idaho Bean Commission; Don Tolmie, Idaho Bean Commission; Leonard Andrew, Bean Producer; Jim Buffington, ACHD; Kelly Olson, Idaho Barley Commission; Sean Ellis, Capital Press; Roger Batt, Idaho Seed Pesticide Council and Idaho Eastern Oregon Seed Association; Amy Ferriter, CPS; Katie Mink, ISDA; Mike Cooper, ISDA; Roger Seiber, ACHD; Dennis Tanikuni, Idaho Farm Bureau; Brent Olmstead, MPIIdaho; Jane Wittmeyer; Chanel Tewalt, ISDA; Jim Lowe, Food Producers; Matt Van Vleet, Clearwater Paper

Chairman Bolz called the meeting to order at 1:38 p.m.

DOCKET NO. 53-0101-1301: **Kelly Olson**, Administrator, Idaho Barley Commission presented the Rules of the Idaho Barley Commission. She said the change in the rule strikes any reference to the fixed barley assessment rate of two cents (\$.02) per hundredweight.

MOTION: **Rep. VanOrden** made a motion to recommend approval of **Docket No. 53-0101-1301** to the full committee. **Motion carried by voice vote.**

DOCKET NO. 02-0303-1301: **Ben Miller**, Bureau Chief, Idaho State Department of Agriculture presented Rules Governing Pesticide and Chemigation Use and Application. He explained that ISDA policy states that pesticide licensing exam scores and recertification credits are valid for one year but has never been included in the rule. The Pesticide Advisory Committee has recommended that it be added. He told the Committee that ISDA supports this twelve month policy for test scores and recertification because it helps ensure that applicants are up to date on new federal requirements.

MOTION: **Rep. Batt** made a motion to recommend approval of **Docket No. 02-0303-1301** to the full committee. **Motion carried by voice vote.**

DOCKET NO. 02-0303-1302: **Ben Miller**, Bureau Chief, Idaho State Department of Agriculture presented Rules Governing Pesticide and Chemigation Use and Application. He said this proposed rule will allow pesticide use on eight new seed crops without the need of an established residue tolerance. This will allow Idaho's seed crop list to be essentially the same as the state of Washington's. He told the Committee that this proposed rule change was recommended by the Pesticide Licensing Committee and the Idaho Seed Pesticide Council.

Roger Batt, Executive Director, Idaho Seed Pesticide Council spoke **in support** of the rule change. He asked for the Committee's support in passing this rule.

Rep. Batt invoked Rule 38 stating a possible conflict of interest because **Roger Batt** is her husband but that she would be voting on the Rule.

- MOTION:** **Rep. VanOrden** made a motion to recommend approval of **Docket No. 02-0303-1302** to the full committee. **Motion carried by voice vote.**
- DOCKET NO. 02-0609-1301:** **Lloyd Knight**, Administrator, Idaho State Department of Agriculture, presented Rules Governing Invasive Species. He said the proposed rule will add three new definitions, "Energy Crop Invasive Species", "Facility" and "Trap Crop Invasive Species" and add language in Section 101 regarding prohibition on possession, importation, shipping or transportation of invasive species. He said there are two new Sections being added, 105, Energy Crop Possession/Production Permits and 106, Trap Crop Invasive Species Permits. He said with Trap Crop Invasive Species particularly one species, Litchi Tomato otherwise known as Sticky nightshade, was previously in their noxious weed rule and is being researched as a potential Trap Crop to treat infested fields in areas of the State. He said they wanted to continue research on it so they moved it over to this rule where they would have a permit mechanism to work with it.
- MOTION:** **Rep. Stevenson** made a motion to recommend approval of **Docket No. 02-0609-1301** to the full committee. **Motion carried by voice vote.** **Rep. Batt** requested to be recorded as voting **NAY**.
- DOCKET NO. 02-0612-1301:** **Katie Mink**, Section Manager, Idaho State Department of Agriculture presented Rules Pertaining to the Idaho Fertilizer Law. She said this is an update to the current incorporation by reference from the 2013 to the 2014 Association of American Plant Food Control Officials (AAPFCO) policy. She said this will ensure that ISDA and industry members will use the most current terms, ingredient definitions and policies.
- MOTION:** **Rep. Erpelding** made a motion to recommend approval of **Docket No. 02-0612-1301** to the full committee. **Motion carried by voice vote.**
- DOCKET NO. 02-0613-1301:** **Mike Cooper**, Bureau Chief, Idaho State Department of Agriculture presented Rules Relating to Rapeseed Production and Establishment of Rapeseed Districts in the State of Idaho. He said this Rule began as a petition from the Oil Seed Commission asking to update rapeseed rules to reflect current status of the industry in Idaho. He said that according to NASS between 2010 and 2013 there was only 1300 to 2200 acres of industrial rapeseed being grown in several states, one of which is Idaho. He said that in the 1980's growing districts were set up across the state to prevent cross pollination. He said this Pending Rule change consolidates the Districts into two Districts.
- Roger Batt**, Idaho Eastern Oregon Seed Association, spoke **in support** of the update. He said their membership is made up of a hundred different seed companies and entities that represent seed trade in Idaho and Eastern Oregon.
- Rep. Batt** invoked Rule 38 stating a possible conflict of interest because **Roger Batt** is her husband but that she would be voting on the Rule.
- MOTION:** **Rep. VanOrden** made a motion to recommend approval of **Docket No. 02-0613-1301** to the full committee. **Motion carried by voice vote.**
- DOCKET NO. 02-0622-1301:** **Matt Voile**, Section Manager, Idaho State Department of Agriculture presented Noxious Weed Rules. He said that this rulemaking amends Subsection 100.01, Statewide EDRR Noxious Weed List, adding one species: Water Hyacinth and removes Subsection 100.04, Statewide Monitor List, from the Rule.
- MOTION:** **Rep. Erpelding** made a motion to recommend approval of **Docket No. 02-0622-1301** to the full committee. **Motion carried by voice vote.**

**DOCKET NO.
02-0623-1301:**

Lloyd Knight, Administrator, Idaho State Department of Agriculture presented Rules Governing Noxious Weed Free Gravel and Rock Products. He said the Idaho Association of Weed Control Superintendents (IAWCS) requested rule making to provide for statewide voluntary certification of noxious weed free gravel. He said this rule looks very much like ISDA's voluntary weed free hay and forage rule with the same standard from the same national organization of weed management agencies. He said the new rule is a voluntary program to provide for inspection and certification of gravel and rock products as noxious weed free.

Wayne Hammon, Executive Director, Idaho Associated General Contractors (AGC) spoke **in opposition** of this Pending Rule. He said that amongst the members of AGC are the owners and operators of most of the large commercial gravel pits in Idaho. He asked the Committee to reject the rule. He said the industry does not support the rule and they were unable to find any state agency that asked for this certification. He said there has never been a contract held up solely because certification was not available and there has never been preference given to a vendor that does provide certification. He said they feel the rule does not reflect how the gravel industry actually works and that OSHA requirements are such that it does not allow inspectors in the pit when it is operating which means the pit would need to be shut down. He said the fiscal impact of these inspections would be very high.

MOTION:

Rep. Batt made a motion to recommend rejection of **Docket No. 02-0623-1301** to the full committee. **Motion carried by voice vote.**

**DOCKET NO.
02-0625-1301:**

Mike Cooper, Bureau Chief, Idaho State Department of Agriculture presented Rules Governing the Planting of Beans, Other than Phaseolus Species, in Idaho. He said there is a potential that blights, invasive rust and soybean cyst nematode could be moved into the area and that could effect our bean seed industry. These rules will put into place a system to inspect the seed and have it tested as a safeguard measure. He explained the process that is used in testing the soy beans. He said that the blight and bacteria tests can be done in house by the Department but there are two additional tests for nematode and soil testing that are requested for soy beans. He said the Department is proposing to charge a minimum of \$250.00 for laboratory analysis on a per sample basis. ISDA is proposing to charge \$3.50 per acre for field inspections, with a \$50.00 minimum. The charges for nematode and soil testing will be at the prevailing rates of those labs capable and approved by the Department for that testing.

Leonard Andrew, Bean Producer, spoke **in support** of the adoption of this Pending Fee Rule. He said that he is a former member of the Bean Commission and President of the Southwest Idaho Malheur County Bacterial Blight Control Association. He said that he felt it was important to be proactive in preventing any problems and it would be beneficial to the soy bean industry to have a certified soy bean seed network that would help to keep the bean industry respected.

Dennis Tanikuni, Assistant Director of Public Affairs, Idaho Farm Bureau, spoke **in support** of the adoption of this Pending Fee Rule. He said he has been in support of this from the start and he feels that this is a fair rule as it places the soy beans under the same requirements as the dry bean industry.

Don Tolmie, Agronomist, Treasure Valley Seed Company and Member of the Idaho Bean Commission, spoke **in support** of this Pending Fee Rule. He said the Commission feels that there is significant value in protecting the existing dry bean seed industry as it produces between \$21-31 million annually farm gate revenues. He said the bean industry is vulnerable to the blight, rust and nematode and if it is found in a field, immediate destruction is called for. He said with uncertified soy bean seed there could be the potential of 6000 infected plants in one acre of soybeans and that is unacceptable. He said this rule would put in place a control mechanism to regulate where the potential problems come from.

MOTION: **Rep. Batt** made a motion to recommend approval of **Docket No. 02-0625-1301** to the full committee. **Motion carried by voice vote.**

DOCKET NO. 02-0641-1301: **Katie Mink**, Section Manager, Idaho State Department of Agriculture presented Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001. She said this is an update to the current incorporation by reference from the 2013 to the 2014 Association of American Plant Food Control Officials (AAPFCO) policy. She said this will ensure the ISDA and industry members will use the most current terms, ingredient definitions and policies.

MOTION: **Rep. VanOrden** made a motion to recommend approval of **Docket No. 02-0641-1301** to the full committee. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the subcommittee, the meeting was adjourned at 2:41 p.m.

Representative Bolz
Chair

Angela Sandoval
Secretary