

MINUTES
SENATE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Tuesday, January 14, 2014

TIME: 8:00 A.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Bair, Vice Chairman Guthrie, Senators Brackett, Tippetts, Rice, Nonini(Nonini), Patrick, Buckner-Webb, Ward-Engelking

ABSENT/ EXCUSED:

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 Bair** called the meeting to order at 8:01 a.m.

MINUTES: The minutes for January 9, 2014, were presented to the Committee for approval.

MOTION: **Senator Nonini** moved, seconded by **Senator Brackett** to approve the minutes from January 9, 2014. The motion was carried by **voice vote**.

DOCKET NO. 02-0214-1302 **Chairman Bair** introduced **Kevin Merritt**, Section Manager, Bureau of Weights and Measures, Idaho State Department of Agriculture (ISDA), who presented **Docket No. 02-0214-1302**, Rules for Weights and Measures, a rule adopted by ISDA pending final approval of the 2014 Idaho State Legislature. This rule is to incorporate by reference the 2014 edition of the National Institute of Standards and Technology Handbook 44, Specification, Tolerances, and other Technical Requirements for Weighing and Measuring Devices. Kevin Merritt stood for questions.

Chairman Bair asked if there were any significant procedural changes between the 2013 and 2014 edition. **Kevin Merritt** responded that there were 23 amendments to this specific edition. The majority of changes were minimal and were amendments to the handbook and general housekeeping items. There were some significant changes to conveyor belts scale code which does not apply to Idaho.

MOTION: **Senator Buckner-Webb** moved, seconded by **Senator Tippetts** to adopt **Docket No. 02-0214-1302**. The motion was carried by **voice vote**.

PASSED THE GAVEL: Chairman Bair passed the gavel to Vice Chairman Guthrie to continue with the rules review.

DOCKET NO. 02-0303-1301 **Vice Chairman Guthrie** introduced **Ben Miller**, Bureau Chief, Agriculture Resources Division, ISDA, who presented **Docket No. 02-0303-1301**, Rules Governing Pesticide and Chemigation Use and Application, a rule adopted by ISDA pending final approval of the 2014 Idaho State Legislature. New language has been added to this rule to clarify the ISDA policy regarding pesticide licensing exam scores and recertification credits being valid for one year, and to avoid any conflicting information. This will assure that licensed applicators can stay informed of all the new requirements for the pesticide products they are using, and stay updated on the federal changes and requirements, especially when they are dealing with the restricted use pesticides. Changes to Sections 02.03.03.100.02 and 02.03.03.100.03 will allow for a one year time period for new or renewing licensees to obtain an applicator license without penalty. These revisions will also

provide a cut-off time for inactive licensees to renew their licenses before they will be required to retest. Ben Miller stood for questions.

MOTION: **Senator Ward-Engelking** moved, seconded by **Chairman Bair** to adopt **Docket No. 02-0303-1301**. The motion was carried by **voice vote**.

DOCKET NO. 02-0303-1302 **Vice Chairman Guthrie** introduced **Ben Miller**, Bureau Chief, Agriculture Resources Division, ISDA, who presented **Docket No. 02-0303-1302**, Rules Governing Pesticide and Chemigation Use and Application, a rule adopted by ISDA pending final approval of the 2014 Idaho State Legislature. Section 02.03.03.800 is being amended to allow pesticide use on eight new seed crops without the need for an established residue tolerance. This allows Idaho's and Washington's seed crop list to be essentially the same. Seed crops that are included in the Seed Crop Rule are grown for reproductive purposes only and cannot be used for food or feed. This is why they get the exemption for these tolerances. Ben Miller stood for questions.

Vice Chairman Guthrie welcomed **Roger Batt**, President of the Idaho Seed Pesticide Council, who spoke in support of this rule. Roger Batt stood for questions.

MOTION: **Senator Tippetts** moved, seconded by **Senator Buckner-Webb** to adopt **Docket No. 02-0303-1302**. The motion was carried by **voice vote**.

DOCKET NO. 02-0419-1301 **Vice Chairman Guthrie** introduced **Scott Leibsle**, DVM - Deputy, VMO, Bureau Chief, Animal Industries Division, ISDA, who presented **Docket No. 02-0419-1301**, Rules Governing Domestic Cervidae, a rule adopted by ISDA pending final approval of the 2014 Idaho State Legislature. This rule change stems from a federal program that was implemented in December 2012, known as the National Chronic Wasting Disease (CWD) Herd Certification Program (HCP). This program mandated surveillance and testing requirements for all domestic cervidae that are exported out of the State. The forms of identification in this federal program are more specific than the current rules in Idaho require. These changes to this rule specify those specific forms of identification that are allowable, making this consistent with the federal program and alleviate confusion among the producers. Scott Leibsle stood for questions.

MOTION: **Senator Nonini** moved, seconded by **Chairman Bair** to adopt **Docket no. 02-0419-1301**. The motion was carried by **voice vote**.

DOCKET NO. 02-0421-1301 **Vice Chairman Guthrie** introduced **Scott Leibsle**, DVM - Deputy, VMO, Bureau Chief, Animal Industries Division, ISDA, who presented **Docket No. 02-0421-1301**, Rules Governing Importation of Animals, a rule adopted by ISDA pending final approval of the 2014 Idaho State Legislature. There are two new changes being made to this rule.

Section 600 is being amended to establish consistency with the National (CWD) Herd Certification Program (HCP) implemented in December of 2012, and states that anyone wishing to import cervidae into Idaho must participate fully in the HCP to qualify.

Subsection 300.03 and 300.04 are being amended to more specifically define equine infectious anemia (EIA) import testing (Coggins test) requirements for horses destined for slaughter. The existing rule allows slaughter horse imports without an EIA test, but does not specify when the animals must go to slaughter. The new rule requires that a horse imported into Idaho for slaughter purposes be sent to slaughter within sixty days. This change assures that the animal that did come into the State ends up at slaughter, and on the chance that a horse did turn up positive for EIA limited the amount of potential exposure this animal would have to other animals. These untested animals are kept separate from other livestock. Scott Leibsle stood for questions.

Vice Chairman Guthrie asked how this will be tracked or enforced. **Scott Leibsle** answered that ISDA field staff will be in charge of the inspections of the facilities. The tracking and enforcing will be by a record search on a routine inspection or based on a complaint.

MOTION: **Chairman Bair** moved, seconded by **Senator Brackett** to adopt **Docket No. 02-0421-1301**. The motion was carried by **voice vote**.

DOCKET NO. 02-0420-1301 **Vice Chairman Guthrie** introduced **Bill Barton**, DVM, Administrator/State Veterinary, Animal Industries Division, ISDA, who presented **Docket No. 02-0420-1301** Rules Governing Brucellosis, a rule adopted by ISDA pending final approval of the 2014 Idaho State Legislature. Changes add the requirement for producers moving test-eligible cattle (defined as all intact cattle 18-months of age and older) outside of the Designated Surveillance Area (DSA) to acquire a permit for movement of those animals at least 24-hours prior to movement. This rule will allow ISDA to provide better surveillance of the cattle that are at the greatest risk of exposure to brucellosis-infected wildlife (elk and bison) residing in the Greater Yellowstone Area and should further minimize the possibility that those cattle are sold without proper disease testing prior to sale.

Bill Barton further explained that since Idaho, Montana, and Wyoming are at risk of having their cattle becoming infected, Montana and Wyoming have implemented a brand inspection process tied to their animal health bureau. Producers cannot move livestock from the DSA without this inspection process completed. This assures the appropriate testing is conducted. Several of Idaho's trading partner states, specifically North Dakota, South Dakota and Texas, have implemented testing requirements on all Idaho cattle prior to import into their states, and numerous other states were posed to do the same thing. It was necessary for ISDA to implement an enhanced process of ensuring the testing had been conducted so that the other states would most likely forgo implementing movement restrictions on Idaho cattle. This keeps our markets open. Bill Barton stood for questions.

MOTION: **Senator Brackett** moved, seconded by **Senator Nonini** to adopt **Docket No. 02-0420-1301**. The motion was carried by **voice vote**.

**DOCKET NO.
02-0602-1301**

Vice Chairman Guthrie introduced **Katie Mink**, Section Manager, Commercial Feed, Fertilizer and Seed Programs, IFQAL, ISDA who presented **Docket No. 02-0602-1301**, Rules Pertaining to the Idaho Commercial Feed Law, a rule adopted by ISDA pending final approval of the 2014 Idaho State Legislature. This rule incorporates by reference information and updates contained in the 2014 Official Publication of the Association of American Feed Control Officials (AAFCO) as they pertain to the conducting regulatory commercial feed registration and label review and where they don't differ from ISDA specific rules. This assures the ISDA as well as industry members who register feed products within the State that the most current terms, ingredients, definitions and policies, as voted on and approved by AAFCO members, are being used. Katie Mink stood for questions.

Chairman Bair asked if there were any significant changes between the 2013 and 2014 AAFCO editions. **Katie Mink** answered that there are no significant changes, that she had a list, with many moving from tentative to official. There are some policy changes as well, but nothing significant that would affect the way they are regulating.

MOTION:

Senator Patrick moved, seconded by **Chairman Bair** to adopt **Docket No. 02-0602-1301**. The motion was carried by **voice vote**.

**DOCKET NO.
02-0612-1301**

Vice Chairman Guthrie introduced **Katie Mink**, Section Manager, Commercial Feed, Fertilizer and Seed Programs, IFQAL, ISDA who presented **Docket No. 02-0612-1301**, Rules Pertaining to the Idaho Fertilizer Law, a rule adopted by ISDA pending final approval of the 2014 Idaho State Legislature. This rule incorporates by reference information and updates contained in the 2014 Official Publication of the Association of American Plant Food Control Officials (AAPCO) as they pertain to the conducting regulatory fertilizer registration and label review and where they don't differ from ISDA specific rules. This updating of incorporation by reference assures that regulation is based on the most current definitions, terms and policies, as voted on and approved by AAPCO members. Katie Mink stood for questions.

Chairman Bair asked if there were any significant changes between the 2013 and 2014 editions. **Katie Mink** answered that she does not have the list at this time, and that these changes were just voted on by the AAPCO members (they are voting members), and there were no significant changes.

MOTION:

Senator Patrick moved, seconded by **Senator Rice** to adopt **Docket No. 02-0612-1301**. The motion was carried by **voice vote**.

**DOCKET NO.
02-0641-1301**

Vice Chairman Guthrie introduced **Katie Mink**, Section Manager, Commercial Feed, Fertilizer and Seed Programs, IFQAL, ISDA who presented **Docket No. 02-0641-1301**, Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001, a rule adopted by ISDA pending final approval of the 2014 Idaho State Legislature. This rule incorporates by reference information and updates contained in the 2014 Official Publication of the Association of American Plant Food Control Officials (AAPCO) as they pertain to conducting regulatory soil and plant amendment registration and label review and where they don't differ from ISDA specific rules. This updating of incorporation by reference assures that regulation is done using the most current definitions, ingredients, terms and policies, as voted on and approved by AAPCO members. Katie Mink stood for questions.

Chairman Bair asked if there were any significant changes between the 2013 and 2014 editions. **Katie Mink** answered that she would be happy to get the list to Chairman Bair as soon as it comes out.

MOTION: **Senator Tippetts** moved, seconded by **Senator Ward-Engelking** to adopt **Docket No. 02-0641-1301**. The motion was carried by **voice vote**.

DOCKET NO. 02-0613-1301 **Vice Chairman Guthrie** introduced **Mike Cooper**, Bureau Chief, Plant Industries Division, ISDA, who presented **Docket No. 02-0613-1301**, a rule adopted by ISDA pending final approval of the 2014 Idaho State Legislature. These proposed changes would consolidate the various growing districts into two districts. As the growing of industrial rapeseed has diminished over the years (only one left in Idaho up in the Moscow area) this change reflects the current status and practice of growing edible and industrial rapeseed in Idaho.

District I allows for the growing of edible rapeseed in that area. It also allows for the growing of industrial rapeseed, but proper notice must be given to surrounding neighbors and suitable distances between the crops are met which are specified in the changes. District II preserves the prohibition on growing industrial rapeseed within the specified areas per these changes. This keeps the industrial rapeseed from cross-pollinating with the other crops growing in these areas. Mike Cooper stood for questions.

Referring to Section 100, Restrictions, Subsection 03.a.i, **Chairman Bair** asked if the written approvals need to be filed with the ISDA or if the grower keeps these in his files. **Mike Cooper** said these are to be kept on file with the grower as these are for his protection. The department has not required these to be filed with them.

Vice Chairman Guthrie welcomed **Roger Batt**, Executive Director of the Idaho Eastern Oregon Seed Association, who spoke in support of this rule. Roger Batt stood for questions.

MOTION: **Senator Buckner-Webb** moved, seconded by **Chairman Bair** to adopt **Docket No. 02-0613-1301**. The motion was carried by **voice vote**.

DOCKET NO. 02-0622-1301 **Vice Chairman Guthrie** introduced **Matt Voile**, Section Manager, Invasive Species and Noxious Weeds, ISDA, who presented **Docket No. 02-0622-1301**, Noxious Weed Rules, a rule adopted by ISDA pending final approval of the 2014 Idaho State Legislature. This rule amends Subsection 100.01, State Early Detection Rapid Response (EDRR) Noxious Weed List, to add the Water Hyacinth. This is high on the priority alert, and every effort is made to eliminate them as soon as possible. Normally this plant would not be a threat, but because of the geothermal areas, it thrives. It also removes Subsection 100.04, Statewide Monitor List, from the rule, as the Water Hyacinth has been moved from this list. Matt Voile stood for questions.

Chairman Bair asked if these are the plants put in ponds by the nursery landscape businesses. **Matt Voile** answered yes. In 2007 this plant was listed on the EDRR, and since this list was created after Sine Die, the industry had already ordered their plants for the season. There was some contention with the Idaho Nursery and Landscape Association (INLA), and it was difficult to enforce the rule at that time. INLA came back in the fall, and together they negotiated and agreed to create the Monitor List. The plant was added, even though they believed that it couldn't escape and survive in the wilds of Idaho. It wasn't until 2012, that the seven mile infestation in the Mid-Snake Region was discovered. The INLA was notified of this infestation and agreed that this should now be moved back to the EDRR.

Chairman Bair asked how the department proposes to educate the landscape industry that this plant is no longer allowed to be planted. **Matt Voile** said it is a multi-faceted approach. They work with INLA and have contacted the individual members, by direct communication with the folks that retail and plant these, contacting the producers (this plant is actually illegal to transport across state lines. They are shipped from Florida to Canada and then into each individual state). They also work through the Idaho Weed Awareness Campaign giving presentations and setting up booths at the state fairs in Idaho and horticultural shows.

Vice Chairman Guthrie asked if the Water Hyacinth would die off in cold water. **Matt Voile** answered over time they could adapt to colder water, the idea is to eradicate them before they end up outside of these geothermal areas. It appears it has a broader range than was traditionally accepted and was found alive in freezing cold temperatures.

MOTION: **Senator Nonini** moved, seconded by **Chairman Bair** to adopt **Docket No. 02-0622-1301**. The motion was carried by **voice vote**.

PASSED THE GAVEL: Upon conclusion of the presentations and testimonies on the pending rules, Vice Chairman Guthrie passed the gavel back to Chairman Bair.

ADJOURNED: **Chairman Bair** adjourned the meeting at 9:07 a.m.

Senator Bair
Chair

Denise McNeil
Secretary