

MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Thursday, January 19, 2017

**TIME:** 8:00 A.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Rice, Vice Chairman Den Hartog, Senators Patrick, Bayer, Guthrie, Johnson, Thayn, Foreman, and Jordan

**ABSENT/ EXCUSED:** None

**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:** **Vice Chairman Den Hartog** called the meeting to order at 8:00

**DOCKET NO. 02-0408-1601** **Rules Governing Grade A Milk and Milk Products. Dr. Scott Leibsle**, Deputy State Veterinarian, Idaho State Department of Agriculture (ISDA), detailed this incorporation by reference update. There are four documents being updated: 1) Grade A pasteurized milk ordinance updated to the 2015 version, which regulates the sanitary conditions for milk and milk products; 2) evaluation of milk laboratories to update them to the 2015 version, which is the evaluation standard for laboratories testing Grade A milk and milk products; 3) methods of making sanitation ratings of milk shippers to update it to the 2015 version, which are the standards for state and federal audits to evaluate sanitary conditions of dairy farms and plants, and also sets the performance expectation for the rating officers; 4) interstate milk shipments to update to the 2015 version, which are the enforcement standard protocols for the previous three documents. The State of Idaho must adhere to these four documents when shipping milk interstate.

**Senator Patrick** asked for clarification on why milk tank trucks are to be inspected at least once every twenty-four months. It seems a long time to go between inspections for a truck that hauls the milk. **Dr. Leibsle** explained that the milk that is transported in these trucks is tested on a daily basis. Tankers just need to receive a certification from ISDA that they are in an appropriate condition.

**MOTION:** **Senator Foreman** moved to approve **Docket No. 02-0408-1601**. Seconded by **Senator Bayer**. The motion carried by **voice vote**.

**DOCKET NO. 02-0415-1601** **Rules Governing Beef Cattle Animal Feeding Operations. Dr. Leibsle**, stated there were two goals to accomplish with the rulemaking petition: 1) Amend the rule to coincide with the statutory amendment that was made in S 1260, Idaho Code § 22-4902, the Cattle Environmental Control Act and 2) designate and clarify the authority of Department of Environmental Quality (DEQ) in the portion of this rule that pertained to the Idaho Pollutant Discharge Elimination System (IPDES). Language has been added to the subsection scope to clarify ISDA's and DEQ's roles. The IPDES Program is new and DEQ is the regulating authority; the predecessor was the National Pollutant Discharge Elimination System (NPDES) which is a federal program under the Environmental Protection Agency (EPA). The dual programs in this rule serve two different purposes. If a dairy discharges pollutants into the waters of the United States by definition this action would fall under the authority of DEQ. The remainder of these rules would fall under the authority of ISDA.

The majority of changes to this rule are in the definition section to bring into conformity with the language and terminology that was amended last year through S 1260. Section 52, Administration of IPDES Program, and Section 53, Compliance with Idaho Pollutant Discharge Elimination System Rules, are new sections to define the agreements and specify the statutory authority governing these programs.

**Vice Chairman Den Hartog** asked why this rule defines dairy waste as manure and not by-product as the dairy rule. **Wyatt Prescott**, Lobbyist, Idaho Cattle Association (ICA), explained that the Dairy Association came to ICA wanting to change the terminology to by-product in their rules. The Cattle Feeders Association met and debated continually over the interim and ultimately decided that they would not change manure as their definition for cattle waste.

**MOTION:** **Chairman Rice** moved to approve **Docket No. 02-0415-1601**. Seconded by **Senator Guthrie**. The motion carried by **voice vote**.

**DOCKET NO. 02-0419-1601** **Rules Governing Domestic Cervidae.** **Dr. Leibsle**, explained the changes to this rule was to adopt incorporations by references, to simplify the document that the cervidae industry uses in reporting the information required, to specify reporting requirements, and clarify the chronic wasting disease (CWD) surveillance requirements.

The annual inventory report is being changed to simplify the reporting requirements as it is laid out in the rule. The reporting specifies what animals are alive on the facility on December 31 of each year. The deaths of the animals or where they were procured from is a different form. Section 205 has been clarified to identify an animal when it is twelve months of age or older when it is added to the inventory of a farm. The ISDA have changed the reporting deadlines from five to ten days consistently through the rule including the exception of an escaped animal which must be reported within 24 hours. Two years ago the CWD reporting changed to a dual standard for CWD surveillance: 1) if the animal is harvested from a facility no less than ten percent of those animals will be tested for CWD; and 2) any animal that dies for another reason other than by harvest must be tested 100 percent. Another clarification has been added for surveillance for CWD. If a producer harvests less than ten animals in a year, then no less than ten percent or one animal, must be tested for CWD. Language has been added to explain failure to meet the reporting or submission requirements for CWD testing.

**Brian Brooks**, representing the Sportsman Women of Idaho (SWOI) through the Idaho Wildlife Federation, stated their organization supports the testing of all cervidae that die from causes other than harvest and sees the rule as an improvement. However, SWOI also submits that only testing ten percent of harvested animals will not provide adequate measures to keep devastating diseases from spreading into the herds of Idaho. SWOI believes the cost of prevention far outweighs the potential devastation of the economical and cultural resources of the public hunting and wildlife.

**Senator Foreman** asked if there was any scientific data that supports the SWOI's concern that testing ten percent of a cervidae herd is insufficient to monitor the potential spread of CWD. **Mr. Brooks** stated that SWOI believes that leaving 90 percent of unharvested animals untested leaves a door open for possibility of infection in the herds of Idaho.

**MOTION:** **Senator Bayer** moved to approve **Docket No. 02-0419-1601**. Seconded by **Chairman Rice**. The motion carried by **voice vote**.

**DOCKET NO.  
02-0421-1601**

**Rules Governing the Importation of Animals.** **Dr. Scott Leibsle**, advised the reasons for these proposed rule changes were to accomplish: 1) Updating the incorporations by reference within the rule for equine infectious anemia (EIA); 2) updating import identification requirements for cattle and bison to be consistent with the animal disease traceability rule which was put into affect by the federal government several years ago.and ISDA is making the language consistent with the federal movement requirements; 3) refining the expectation and requirements attached to operating an equine approved feedlot; and 4) to clarify testing requirements for the meningeal worm for elk imported into the State.

USDA Title 9, Part 71 through 161, CFR has been updated to the most recent 2016 version, which stipulates federal administration enforcement of all animal programs, including, but not limited, to disease surveillance, testing of livestock and the added regulations for the equine approved feedlot program along with testing and isolation requirements for EIA. Three laboratory tests were added and defined. The labs added the recommendation of the National Veterinary Services Lab for performing different tests for brucellosis for elk that are imported into the state. In Section 202 there are two different official identification requirements for the animal traceability, one for dairy and the other for beef.

Section 600 stipulates the importation requirements for domestic cervidae that are shipped into the State for immediate slaughter. The current rule required that the elk had to be dewormed for meningeal worm 30 days prior to entering the State. The added language allows elk that are being shipped into the State for immediate slaughter to be exempted from the requirement to be dewormed.

**Senator Bayer** asked how many domestic cervidae are shipped into the State for immediate slaughter. **Dr. Leibsle** answered that it is a very small number. The vast majority of domestic cervidae shipments are to ranchers.

**MOTION:** **Senator Bayer** moved to approve **Docket No. 02-0421-1601**. Seconded by **Senator Guthrie**. The motion carried by **voice vote**.

**ADJOURNED:** There being no further business, **Chairman Rice** adjourned the meeting at 8:40 a.m.

---

Senator Rice  
Chair

---

Carol Deis  
Secretary