

MINUTES
SENATE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Tuesday, January 24, 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: **Chairman Rice** called the meeting of the Senate Agricultural Affairs Committee (Committee) to order at 8:00 a.m..

PASSED THE GAVEL: Chairman Rice passed the gavel to Vice Chairman Den Hartog.

DOCKET NO. 02-0602-1601 **Rules Pertaining to the Idaho Commercial Feed Law. Jared Stuart**, Agriculture Section Manager, Idaho State Department of Agriculture (ISDA,) stated Idaho incorporates by reference standards manuals used nationally by industry and regulatory officials that provide producers with clear and defined guidelines and terms, as well as acceptable standard practices and policies.

In this instance, the manual is the Association of American Feed Control Officials (AAFCO) publication. This publication is heavily used by manufacturers in the production and labeling of their products. This change to the rule updates the reference to the most recently available copy of the manual so that terms, definitions, and standards are up to date for producers and regulators. This also ensures that producers and distributors do not encounter changing standards from state to state while producing and distributing product in Idaho and nationwide.

MOTION: **Senator Johnson** moved to approve **Docket No. 02-0602-1601**. Seconded by **Senator Patrick**. The motion carried by **voice vote**.

DOCKET NO. 02-0612-1601 **Rules Pertaining to the Idaho Fertilizer Law. Jared Stuart**, said this rule change updates the publication incorporated by reference in the Idaho Commercial Fertilizer Law to incorporate the most current publication for the Association of American Plant Food Control Officials (AAPFCO). These changes update the policies, terms, and definitions associated with producing and manufacturing commercial fertilizers in Idaho and provide a national standard for companies nationwide.

MOTION: **Senator Foreman** moved to approve **Docket No. 02-0612-1601**. Seconded by **Senator Bayer**. The motion carried by **voice vote**.

DOCKET NO. 02-0622-1601 **Noxious Weed Rules. Adam Schroeder**, Program Manager, ISDA, explained in 2016, ISDA received a petition from the Idaho Association of Weed Control Superintendents which stated that the entire membership unanimously agreed to propose the addition of four genera of weeds to the Idaho State Noxious Weed List. The Idaho Noxious Weed List identifies weeds that are potentially injurious to public health, agriculture, recreation, wildlife, or property. The proposed rule change adds four genera to the noxious weed list: 1) chamaecytisus; 2) cytistus; 3) genista; and 4) spartium. These genera weeds are in the legume family and are commonly known as "brooms". Most of these plants are native to Europe and

western Asia. They grow very large, are hard to kill, are vigorous seed producers, and are invasive competitors for native forbs.

Senator Johnson questioned the fiscal impact of the rule change. On page 60 of the rule it states that these weeds shall be eradicated during the same growing season as identified. How have these weeds been treated for eradication in the past. **Mr. Schroeder** answered that scotch broom is one of the currently listed noxious weed species in the State and there are several counties that are charged with controlling these weeds in their counties. The counties are currently spending resources to control these weeds. **Senator Johnson** asked if there costs associated with the addition of the four genera of noxious weeds that ISDA is adding. **Mr. Schroeder** explained ISDA is adding the four genera to the rule in order to prevent stores from selling these genera in the State and consequently causing infestation, escapes, and future costs associated with controlling these plants.

Senator Guthrie asked what are the financial and regulatory significance of adding these four plant types to the Noxious Weed List. **Mr. Schroeder** replied that the county weed superintendant is charged with controlling the noxious weeds within the county. The superintendant is empowered to prevent the sale of these noxious weeds from retailers and control any weeds that are currently growing in the county. The weed control law states that if a landowner has noxious weeds on the property it is the landowners responsibility to remove the noxious weeds or pay to have them removed. If the landowner does not remove the noxious weeds then the counties are empowered to treat the noxious weeds and charge the landowner. At this time Idaho does not have prevalent numbers and ISDA is trying to prevent the spread of these genera before they occur.

Senator Guthrie said once the infestation occurs there is an expectation to eradicate the weed on the property and the landowner would bear the financial burden of dealing with the weeds. **Mr. Schroeder** affirmed that landowners are responsible for controlling noxious weeds on their property once noxious weeds are identified.

Lloyd Knight, Administrator of the Division of Plant Industry at ISDA, stated because the genera species is not on the list and they have been available for sale; the counties requested that these plants be placed on the list. There is a system under the noxious weed statute and rule which delegates the enforcement of the noxious weed control to the county superintendant. The superintendant deals with species across their county and identifies those weeds that require eradication within the county. The management costs of the superintendant is associated with their county weed budget. The superintendents can also submit projects to ISDA for cost share through the cooperative weed management areas. The process for listing a noxious weed on the list is begun by the initial contact with ISDA. If someone requests that a species be listed, ISDA would check to see if this species should be in the State. If ISDA then chooses to take action on a species they do not want in the State then ISDA will list the weed. In most weed eradication cases the responsibility for eradicating a weed infestation is usually on the property owner.

Senator Bayer asked what is the procedure for weed eradication in a residential environment versus agricultural sector. He asked does ISDA have history that references existing listed genera species that were once available at a nursery and are no longer allowed to be sold in the State. **Mr. Knight** stated that there have been two species that ISDA has proceeded with an emergency listing because the species had never been in the State and was not on the list. Those two species were not retail species. In both of these cases ISDA worked within ISDA's structure for the water hyacinth and with Twin Falls County directly for the star thistle to proceed with controlled actions. Both agencies incurred costs. The star thistle was on private land and the county did the treatment.

Jeffery Pettingall, Bonneville County Weed Superintendant, explained the county weed superintendant has the authority to prevent the box stores shipping in foreign plants to North America. The urban interface is a significant issue for weed control and the weed superintendents reach out to the Idaho Nursery Landscape Association as a link into the landscapers that are putting the species in place as an ornamental in the residential areas. A weed must be listed on the noxious weed list before a county weed superintendant can offer the cost share process of weed eradication to the land owner.

MOTION: **Senator Patrick** moved to approve **Docket No. 02-0622-1601**. Seconded by **Chairman Rice**. The motion carried by **voice vote**.

DOCKET NO. 02-0631-1602 **Noxious Weed Free Forage and Straw Certification Rules. Mr. Schroeder**, advised the United State Forest Service and Bureau of Land Management have a requirement that if a person possesses forage or straw upon federally owned lands in Idaho, that forage or straw must be certified as noxious weed free. The ISDA Noxious Weed Free Forage and Straw program provides a service to growers and consumers that facilitates the certification of hay and straw fields as noxious weed free. This program also intends to limit the introduction and spread of noxious weeds into public lands.

The ISDA is a member of the North American Invasive Species Management Association (NAISMA) which controls the national standards for which noxious weed free forage and straw products can be certified. The national standard is agreed upon by various states who participate in the program, and allows for noxious weed free forage to be imported and exported between states. The standard is essentially a list of noxious weeds that must be visually excluded in the crop inspection by the certifying agent. NAISMA changed its prohibited weeds list standard on February 2, 2016.

Idaho has many growers, exporters, and consumers of noxious weed free forage products, including federal agencies, who not only benefit from but rely on noxious weed free forage program. ISDA will not be able to certify forage and straw to the national standards until the current rule is amended. The rule amendments included clarification of language and updated terms to bring the rule back into conformity with industry standards.

Senator Patrick asked why hemp and marijuana were removed from the noxious weed list as they could be dangerous to animals. **Mr. Shroeder** explained that Idaho was not a part of the decision making process and that was a NAISMA change.

Senator Johnson pointed out that the agenda has **Docket No. 02-0631-1601** but the rule book has the number as **Docket No. 02-0631-1602** is there a prior rule for consideration to this title and chapter or was this a typo. It should be noted that the Agricultural Affairs Committee (Committee) is considering **Docket No. 02-0631-1602**.

Chairman Rice asked for a unanimous consent that the Committee amend the agenda to correct the typo so that it reflects **Docket No. 02-0631-1602**. Noxious Weed Free Forage and Straw Certification Rule. **Vice Chairman Den Hartog** said seeing no objection the agenda will be amended.

MOTION: **Senator Thayne** moved to approve **Docket No. 02-0631-1602**. Seconded by **Senator Bayer**. The motion carried by **voice vote**.

**DOCKET NO.
02-0641-1601**

Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001. **Jared Stuart**, said this rule change updates the publication incorporated by reference in the Idaho Soil and Plant Amendment Act 2001 by the Association of American Plant Food Control Officials (AAPFCO) which updates the terms, ingredients, and definitions associated with the production of soil and plant amendment and provides the most current terms and ingredients associated with these products.

MOTION:

Senator Patrick moved to approve **Docket No. 02-0641-1601**. Seconded by **Senator Johnson**. The motion carried by **voice vote**.

**PASSED THE
GAVEL:**

Vice Chairman Den Hartog passed the gavel to Chairman Rice.

ADJOURNED:

There being no further business, **Chairman Rice** adjourned the meeting at 8:53 a.m.

Senator Rice
Chair

Carol Deis
Secretary