

MINUTES  
**SENATE RESOURCES & ENVIRONMENT COMMITTEE**

**DATE:** Wednesday, February 17, 2021

**TIME:** 1:30 P.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Vick, Vice Chairman Johnson, Senators Van Orden (Bair), Heider, Patrick, Guthrie, Siddoway (Burtenshaw), Stennett, and Rabe

**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 Vick** called the meeting of the Senate Resources and Environment Committee (Committee) to order at 1:31 p.m.

**PAGE RECOGNITION:** **Chairman Vick** noted the first half of the Legislative session is over and the pages are returning to their respective high schools. He and the Committee recognized and thanked Hana Pfeiffer, who served as the page for the Committee. **Chairman Vick** presented Ms. Pfeiffer with a letter of recommendation, signed by all Committee members, and a necklace with the State of Idaho on it as a remembrance of her service.

**MINUTES APPROVAL:** **Senator Heider** moved to approve the Minutes of February 3, 2021. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.  
**Senator Patrick** moved to approve the Minutes of February 8, 2021. **Senator Siddoway** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:** Chairman Vick passed the gavel to Vice Chairman Johnson.

**DOCKET NO. 58-0103-1901** **Individual/Subsurface Sewage Disposal Rules and Rules for Cleaning of Septic Tanks.** **Vice Chairman Johnson** said discussion was previously held on **Docket No. 58-0103-1901** and Dr. Mary Anne Nelson, Administrator, Surface and Wastewater Division, Department of Environmental Quality (DEQ), was present to answer them. **Senator Patrick** stated he spent more time reviewing the docket and was satisfied.

**MOTION:** **Senator Patrick** moved to approve **Docket No. 58-0103-1901**. **Senator Vick** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:** Vice Chairman Johnson passed the gavel to Chairman Vick.

**H 23** **Relating To Endowment Land; Repealing Section 58-156, Idaho Code, Relating To Legislative Findings and Purposes Regarding The Exchange Of Certain Lands.** **Scott Phillips**, Policy and Communications Chief , Idaho Department of Lands (IDL), presented **H 23**. **Mr. Phillips** said this legislation would eliminate an obsolete section of Code. In 2001, the Idaho Legislature enacted legislation to authorize a land exchange between the State Land Board, Idaho State University, the University of Idaho, and the State Board of Education with the goal of transferring title of endowment lands that comprise the Center for Higher Education in Idaho Falls to the universities. This land exchange was completed on July 24, 2002. Idaho Code § 58-156 enabled a one-time event to occur. Since the exchange was completed, this section of Code is no longer needed, according to Mr. Phillips.

**MOTION:** **Senator Guthrie** moved to send **H 23** to the floor with a **do pass** recommendation. **Senator Patrick** seconded the motion. The motion carried by **voice vote**. Chairman Vick will be the floor sponsor.

**H 24** **Relating To The Idaho Board of Scaling Practices; Amending Section 38-1205, Idaho Code, To Revise Provisions Regarding Board Compensation.** **Mr. Phillips** presented **H 24** and said he was addressing the Committee on behalf of Russ Hogan, Executive Director, Idaho Board of Scaling Practices (Board). **Mr. Phillips** said the Board's members receive \$35 per day and PERSI eligibility for attending meetings. This legislation seeks to maintain the \$35 honorarium but removes PERSI eligibility.

**DISCUSSION:** **Senator Stennett** asked what precipitated this request. **Mr. Phillips** said when the Board was formed, it was quite common for part-time Board members to be included in PERSI. However, in the past few years, many agencies with these volunteer type of boards have moved away from PERSI credits toward more of an honorarium-type service.

**Senator Heider** inquired about the scaling practice. **Mr. Phillips** said it was a volumetric method of determining what a log is worth and is fundamental for the industry as it determines how landowners are paid for the logs that are harvested from their land.

**MOTION:** **Senator Patrick** moved to send **H 24** to the floor with a **do pass** recommendation. **Senator Rabe** seconded the motion. The motion carried by **voice vote**. Senator Patrick will be the floor sponsor.

**PRESENTATION:** **Briefing on Mines - Caldwell Canyon, Soda Springs, Ballard - and Roundup Litigation Update.** **Chairman Vick** welcomed James Curry and Randy Vranes to the meeting. They represent the Bayer Company (formerly Monsanto) who has mines in and around Soda Springs, Idaho. **Mr. Curry** said he is the Government Affairs Lead for Bayer CropScience in northwestern United States and is based in Washington State. **Mr. Curry** stated there are positive developments in the Soda Springs area which will be featured in the slide presentation conducted by Randy Vranes, Business Unit Lead, Mineral Activities, with Bayer. Mr. Vranes is based in Soda Springs.

**Mr. Vranes** said he has been with Monsanto, and now Bayer, for over 35 years and the company is committed to Idaho. Mr. Vranes provided a slide presentation of the mining industry in and around the area of Soda Springs. Mining began two miles north of the city of Soda Springs in 1951 and continued until 1969. The Ballard Mine, which is a little further north, was mined, then operations moved to the Henry Mine. Mining was done there for about 20 years, and after mining operations were exhausted, they moved to the Enoch Valley Mine, followed by the South Rasmussen Mine. Remaining reserves are located in Trail Creek and Caldwell Canyon.

The Soda Springs site employs 800 people, with 200 at the mine/quarry, all contractors. Six hundred are employed at the plant, with 400 being Bayer employees. The total direct annual payroll is \$49 million. Payroll and property taxes amount to \$2 million. Royalties paid was \$2.1 million and annual Idaho charitable giving amounted to \$400,000.

**Mr. Vranes** said the Caldwell Canyon Mine is very unique. Permitting began in 2014 and a permit was received September, 2019. The average mine in the United States takes about 10 years to permit. Road construction has been started and the end result will be that this mine will have 35 years of operations. The investment in the Caldwell Canyon Mine is \$328 million. **Mr. Vranes** said over 16 million tons of material will be moved just in the construction effort, with eight miles of roads built and seven miles of rail.

**DISCUSSION:** **Senator Heider** inquired as to why rails were being used, rather than roads. **Mr. Vranes** replied that by using rails, Bayer avoided going through a lot of wetlands and Sage-grouse lands.

**Senator Heider** mentioned how much he enjoyed touring the mines in the summertime and suggested that the practice of tours be continued. He said his tour helped in making decisions that involved mining. **Mr. Vranes** stated that he is a vice president in the Idaho Mining Association, and tours are something they have discussed and believe is important.

Next, **Mr. Vranes** discussed the Ballard Mine. It was mined from 1951 to 1969 before any of the mining laws were in effect and about 5 million tons of ore was left in the ground. Bayer is now in the process of recovering that material and doing extensive reclamation. **Mr. Vranes** noted challenges dealing with the Environmental Protection Agency (EPA); however, good progress is being made.

**Senator Stennett** inquired if anything else was mined besides phosphate. **Mr. Vranes** replied no, but the processing of phosphorus leaves behind vanadium, which is used as an additive to harden steel.

**Mr. Vranes** said that when he gave these presentations previously, he would state they didn't have any environmental issues like the metal mines or some of the coal mines. In 1996, Bayer found out they did have an issue with selenium. The reason it was not known earlier is because the detection limits were such that it was hard to identify. **Mr. Vranes** said that presently, almost all the groundwater that comes off their sites meets the groundwater standards.

In closing, **Mr. Vranes** said Bayer has a strong commitment to Soda Springs and Idaho. They have invested over \$300 hundred million in the Ballard Mine, \$200 million in a water treatment plant, and over \$100 million in future air scrubbing systems.

**PRESENTATION: ROUNDUP LITIGATION UPDATE.** **Mr. Curry** said he wanted to share some good news regarding litigation. Roundup Weed Killer and Glyphosate lawsuits drew a lot of negative attention and press over the last few years, based on U.S. product liability litigation. Bayer has a 40-year history of safe use, according to Mr. Curry. This is consistent with health regulators and officials around the world, including the EPA, which, as recently as last year, said glyphosate does not pose a risk to human health and is not likely to be carcinogenic. European Food Safety Authority and officials in Australia, Japan, and Korea have consistently agreed with that assessment. It is one of the most thoroughly studied products of its kind and has been a transformative chemistry in American agriculture, allowing Bayer to reduce farm tilling practices, reduce emissions, and increase farm productivity, he said.

**Mr. Curry** said Bayer announced they would consider a settlement in the litigation if it was financially feasible and brought finality to the legal dispute. In June 2019, Bayer reached an agreement with plaintiff attorneys and Bayer believed it was financially feasible when viewed against the risks of ongoing multiyear litigation and impacts to the company's business and reputation. The agreement contains no admission of guilt or wrongdoing. **Mr. Curry** reiterated that their products will be available going forward in unchanged availability.

**DISCUSSION:** **Senator Patrick** inquired as to who is going to pay for the current and future settlements. **Mr. Curry** said Bayer has separate legal funds set aside to manage the litigation. **Chairman Vick** asked about qualified claimants. **Mr. Curry** said, generally speaking, over the next four years, people who claim they used Roundup and want compensation for non-Hodgkin's lymphoma and its resulting complications would go through an advisory science panel before they have their day in court. The advisory science panel's findings can be used as evidence in the trial.

In closing, **Mr. Curry** said the advisory science is a mechanism for Bayer to bring science back into the conversation at the trial court level and help put an end to any potential future litigation.

**Roger Batt**, who represented Bayer, thanked the Committee for listening to the presentation and for their support of the industry.

**ADJOURNED:** There being no further business at this time, Chairman Vick adjourned the meeting at 2:30 p.m.

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Senator Vick  
Chair

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Juanita Budell  
Secretary