

MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Tuesday, March 02, 2021

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

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Burtenshaw, Vice Chairman Bayer, Senators Patrick, Den Hartog, Johnson, Zito, Ricks, Nelson, 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 Burtenshaw** called the meeting of the Senate Agricultural Affairs Committee (Committee) to order at 8:00 a.m.

**MINUTES APPROVAL:** **Senator Patrick** moved to approve the Minutes of February 18, 2021. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**.

**H 51** **Related to Dairies - Amends Existing Law to Provide Nutrient Management Standards on Dairy Farms.** **Bob Naerebout**, Idaho Dairymen's Association, stated that **H 51** provides dairy producers with an option of utilizing either the original standard, phosphorus threshold method (PTM); or the more recent adopted standard, phosphorus site indexing (PSI). He highlighted that both aforementioned measures work and meet the regulatory standards. Lastly, he said that **H 51** proposed to eliminate the sunset clause that was established when PSI standard was adopted.

**DISCUSSION:** In response to Committee questions, **Mr. Naerebout** further explored PTM, PSI, and their limitations. He explained the PTMs threshold is 40 parts per million (ppm), and beyond that the threshold would be in violation of State law. On the other hand, PSI would allow a higher level of phosphorus in individual fields with several factors to consider, such as the presence of a canal and slope of the field.

**TESTIMONY:** **Marvin Patten**, Milk Producers of Idaho, submitted a written testimony in support of **H 51**. (See Attachment 1.)

**Jonathan Oppenheimer**, representing Idaho Conservation League (ICL), testified in opposition to the bill. He clarified that in the 2018 Legislative Session, ICL supported the adoption of PSI as the regulatory method for phosphorus loading, with the perception that PTM would be phased out after five years.

**Russ Hendricks**, representing the members of Idaho Farm Bureau Federation (IFBF), spoke in support of **H 51**. He pointed out that the bill will continue to allow dairy producers to have a choice between using two equally protective nutrient management standards.

**DISCUSSION:** **Senator Johnson** asked Mr. Hendricks to elaborate on the aforesaid penalty provisions. Mr. Hendricks yielded to Mr. Naerebout, who specified that dairy farmers are required to take soil samples annually. Moreover, he said that Idaho State Department of Agriculture (ISDA) issued multiple enforcement letters to dairy farmers for noncompliance. He explained that the ISDA's compliance officer would address the issue to the dairy farmers and come up with corrective action plans.

In conclusion, **Mr. Naerebout** described the negotiated rulemaking process as a good educational tool and recommended the Committee sit in on one of its meetings. He also cited the negotiated rulemaking process that took place in recent years.

- MOTION:** **Senator Patrick** moved to send **H 51** to the floor with a **do pass** recommendation. **Vice Chairman Bayer** seconded the motion. The motion carried by **voice vote**.
- DISCUSSION:** **Senator Nelson** requested to enter into the record a letter from IFBF to ISDA during the 2018 negotiated rulemaking. The said document contained IFBF's support of IDA's proposal to include a trigger of 100ppm, which will require the dairy producers to transition their nutrient management plan from PTM to PSI. (See Attachment 2.)
- Mr. Hendricks** clarified that IFBF requested for a trigger of 100ppm, which will prompt a dairy farmer to switch from PTM to PSI. He emphasized that IFBF did not seek for a change in PTM from 40ppm to 100ppm.
- PRESENTATION:** **Idaho Apple Commission (IAC) Annual Report. Candi Fitch**, Executive Director, IAC, gave a brief history and market updates on Idaho's apple industry. She indicated that the industry experienced challenging times over the past years. Those challenges included higher operating costs, a decrease in food service sales while retail service remained stagnant, and a drop in apple consumption by 11 percent in the past decade.
- Ms. Fitch** named IAC's memberships in several local, national, and international organizations. She highlighted that these memberships give the Idaho apple industry a voice on the national and regional levels. In addition, she mentioned IAC's marketing promotions, partnerships with Walmart, Albertsons, and Broulim's; and the ongoing specialty crop research grant that the University of Idaho received. Lastly, **Ms. Fitch** discussed the financial condition of IAC in the last fiscal year. (See Attachment 3.)
- PRESENTATION:** **Idaho Cherry Commission (ICC) Annual Report. Candi Fitch**, Executive Director, ICC, updated the Committee on ICC's commissioners; local, national, and regional memberships; marketing activities; and crop grants. She disclosed the increase in retail demand coupled with a supply shortage created stable pricing throughout the 2020 cherry season. She also reviewed ICC's financial report. (See Attachment 4.)
- DISCUSSION:** **Senator Johnson** asked how many acres and varieties of cherry are grown in Idaho. **Ms. Fitch** affirmed that she will provide the Committee exact numbers in the coming days.
- PRESENTATION:** **Idaho Hop Grower's Commission (IHGC) Annual Report. Candi Fitch**, Executive Director, IHGC, reported the commission's annual report. She mentioned that the hop industry faced market struggles from COVID-19, mite problems, and weather issues. Furthermore, she discussed IHGC's involvement in different local and regional associations, marketing initiatives, crop grants, and congressional priorities for 2021.
- In closing, she detailed IHGC's financial standing. She gave a run-down of its 2018-2021 budget. (See Attachment 5.)
- DISCUSSION:** **Vice Chairman Bayer** asked about the number and variety of hops grown in Idaho. **Ms. Fitch** estimated that there are at least 20 varieties.
- Senator Den Hartog** inquired about the cost per acre for a grower to invest in the hop industry. **Ms. Fitch** assured the Committee that she will provide the exact numbers in the days to come.

**RS 28683**

**Commending Marquee Ricks for her Accomplishment - Unanimous Consent Request for Referral to a Privileged Committee for Printing.**  
**Senator Ricks** explained that **RS 28683** is a proclamation that lauds Ms. Ricks for her achievement in winning the State and National 2021 Discussion Meets sponsored by the American Farm Bureau Federation.

**MOTION:**

**Senator Ricks** asked for the unanimous consent to send **RS 28683** to the Senate Privileged Committee for printing. There were no objections.

**ADJOURNED:**

There being no further business at this time, **Chairman Burtenshaw** adjourned the meeting at 8:56 a.m.

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Senator Burtenshaw  
Chair

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Rellie Wisdom  
Secretary