

MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Tuesday, January 23, 2024

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

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Hartgen, Vice Chairman Nichols, Senators Foreman, Hart, Schroeder, Carlson, Zuiderveld, Semmelroth, and Taylor

**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 Hartgen** called the meeting of the Senate Agricultural Affairs Committee (Committee) to order at 8:00 a.m.

**Chairman Hartgen** stated the Committee meeting would begin with the approval of the minutes of January 16, 2024.

**MINUTES APPROVAL:** **Senator Schroeder** moved to approve the Minutes of January 16, 2024. **Senator Zuiderveld** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:** Chairman Hartgen passed the gavel to Vice Chair Nichols.

**RULES REVIEW:** **Vice Chair Nichols** detailed the dockets and rules to be presented by the Idaho State Department of Agriculture (ISDA).

**Vice Chair Nichols** introduced Dr. Scott, Leibsle, DVM, Idaho State Veterinarian.

**DOCKET NO. 02-0414-2301** **Rules Governing Dairy Byproduct (ZBR Chapter Rewrite) Proposed Rule. Dr. Scott Leibsle**, DVM, Idaho State Veterinarian, Administrator, Animal Industries, ISDA, cited the rule negotiations for animal industries for 2023 were environmental rules. He stated the rule was reviewed over the course of two negotiated rule-making meetings, and that review benefited from the participation of program stakeholders.

**Dr. Leibsle** stated that dairy farms in Idaho utilized either Phosphorus Indexing or Phosphorus Threshold. These two Nutrient Management Plans (NMP) were to prevent phosphorus from entering surface water. He explained the change, incorporated by reference, included the implementation of a "best management practice" (BMP) designed to reduce phosphorus loss from fields. This was called dammer diking or reservoir tillage, these were ways to prevent water moving from agriculture fields to surface waterways. He said that producers who implemented these BMP received a credit towards the risk evaluation of their facilities.

**Dr. Leibsle** mentioned pastures were not considered part of a dairy storage or containment facility. Dairy storage and containment facilities would be constructed to meet a minimum of 180 days of holding capacity. The construction, operation, and maintenance would be in accordance with IDAPA 02.04.30 "Rules Governing Environmental and Nutrient Management". He cited amendments to the Idaho Phosphorus Site Index Standards must be approved by three scientists from research institutions identified as partner institutions of the USDA's National Institute of Food and Agriculture (NIFA).

**DISCUSSION:** **Senator Semmelroth** asked what NIFA accreditation meant.

**Dr. Leibsle** answered that if changes were made that affected dairies in Idaho, NIFA was a USDA entity that partnered with institutions like the University of Idaho (U of I) Department of Agriculture, they were familiar with Idaho's soil, and climate.

**DOCKET NO.**  
**02-0423-2301**

**Rules Governing Commercial Livestock Truck Washing Facilities (ZBR Chapter Rewrite) Proposed Rule.** **Dr. Scott Leibsle**, DVM, Idaho State Veterinarian, ISDA, stated the rule was reviewed over two negotiated rule-making meetings, and no negative comments were submitted. He mentioned there were no changes made to the regulatory scope of the rule. Language and definitions in the rule were simplified.

**DOCKET NO.**  
**02-0430-2301**

**Rules Governing Environmental and Nutrient Management (ZBR Chapter Rewrite) - Proposed Rule.** **Dr. Scott Leibsle**, DVM, Idaho State Veterinarian, ISDA, explained a majority of the additions to this rule were made to reflect generic requirements that applied across all environmental rules. Negotiated rule-making was conducted with multiple attendees. Comments made were submitted to the rule-making record.

**Dr. Leibsle** cited that nutrient management standards for dairy, poultry, and truck washing were different. He mentioned standards were added to the rule and would apply individually to each of their programs. He explained each facility managed their nutrients differently. However, how they stored nutrients and constructed their containment facilities was largely the same. All of these facilities required a nutrient management plan (NMP), the rule simplified the language and definitions with an organized standard record requirement across each program.

**Dr. Leibsle** mentioned the concentrated animal feeding operation (CAFO) site advisory team were representatives from the ISDA, and the Idaho Department of Environmental Quality (DEQ). Their responsibilities were to evaluate the environmental impact of expanding a CAFO site. The language in the rule was simplified into a standardized form that would be posted to the ISDA website. He mentioned odor management plans were overseen by the ISDA. The change was in the name, it went from stockpiling of agricultural waste to the stockpiling of livestock waste. No other changes were made.

**DOCKET NO.**  
**02-0432-2301**

**Rules Governing Poultry Operations (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule.** **Dr. Scott Leibsle**, DVM, Idaho State Veterinarian, ISDA, reported there were five poultry facilities in the State. Each facility was required to maintain a NMP. The incorporation by reference had been removed from the poultry rule and relocated to the environmental management rule. He stated future or modified permits to a poultry CAFO could be done on the ISDA website,

**DISCUSSION:**

**Vice Chair Nichols** inquired why there were only five poultry facilities in Idaho and what constituted a facility.

**Dr. Leibsle** replied a poultry operation becomes a facility when the number of minimum birds is met. At that time, it was required by the ISDA to submit a nutrient management plan for approval.

**DOCKET NO.  
02-303-2301**

**Rules Governing Pesticide and Chemigation Use and Application (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule.** **Lloyd Knight**, Deputy Director, ISDA, reported this was a delegated program from the environmental protection agency (EPA). The changes made were to be compliant with the EPA requirements. It was something the ISDA implemented to be in partnership with the EPA. . He stated there were three negotiated rule-making meetings, they were well attended by a cross-section of stakeholders including professional and private applicators, industry groups, and conservation groups.

**Mr. Knight** pointed out deletions of definitions were primarily due to the deletion of some language. The rule also required some additional definitions. For example, how applicators and dealers obtained their licenses to ensure compliance with federal pesticide regulations as required by the EPA and Idaho State law. He referenced the Code of Federal Regulations (CFR) as the standard of the ISDA.

**Mr. Knight** emphasized all professional applicators must pass the Applicator Core Competency exam in order to chemigate, make pesticide recommendations, or make pesticide applications for any purpose for which they had demonstrated competency. They were required to pass the department examinations with a minimum score of 70 percent. The minimum waiting period to retake the test changed from one week to one day. He stated the scores were valid for 12 months from the date of the examination, not a calendar date of December 31. **Mr. Knight** explained continuing education credits had changed from 15 to 16, and workshop minutes had changed from 60 minutes per credit to 50 minutes per credit.

**DISCUSSION:**

**Senator Semmelroth** asked Mr. Knight to clarify why the continuing education (CE) credit workshop changed from 60 minutes to 50 minutes, and why 16 credits were now needed.

**Mr. Knight** replied the actual instruction time of the workshop was 50 minutes and, with breaks included, adjusted the workshop to 60 minutes. The CE credit increased from 15 to 16, to include additional instruction time.

**Senator Carlson** commented on the change from one week to one day for the test retake. She asked how this time frame was implemented.

**Mr. Knight** replied it was a request from the industry and stakeholders that the time frame was amended to one day. It was a better turn around for their employees to re-test quicker..

**Senator Carlson** commented she preferred a three day turnaround. She inquired about the apprentice license expiring after a year and asked Mr. Knight to explain the difference.

**Ryan Ward**, Administrator, Division of Resources, ISDA, replied the apprentice license was set up to expire on December 31 of the year it was issued, no matter when it was issued. For example, if the license was issued December 1, it would expire on December 31. The apprentice license was now valid one year from the date it was issued.

**PASSED THE  
GAVEL:**

Vice Chair Nichols passed the gavel back to Chairman Hartgen.

**ADJOURNED:**

There being no further business at this time, **Chairman Hartgen** adjourned the meeting at 8:35 a.m.

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Senator Hartgen  
Chair

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Melissa Price  
Secretary