

MINUTES
SENATE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Tuesday, January 15, 2019

TIME: 8:00 A.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Guthrie, Vice Chairman Den Hartog, Senators Patrick, Harris, Mortimer, Lent, Bayer, Jordan, and Nelson

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

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

DOCKET NO. 02-0214-1801 **Rules for Weights and Measures. Kevin Merritt**, Section Manager, Idaho State Department of Agriculture (ISDA) explained that the ISDA is updating two incorporations by reference. The first change is in subsection 01, the required reference materials, where the ISDA is referencing a 2019 edition of the National Institute of Standards in Technology (NIST). The second change is in subsection 02, required reference materials for checking packaged commodities, where the ISDA is referencing the 2019 NIST Handbook 133. Negotiated rulemaking was not conducted due to the rule change being an annual housekeeping item. However, the ISDA did conduct outreach June 18th, 2018 to stakeholders during the rulemaking process.

Vice Chairman Den Hartog asked Mr. Merritt to briefly describe some of the changes in Handbook 44. **Mr Merritt** answered that metering systems that are used to deliver petroleum products are now required to have a procedure for how to flush the lines that deliver petroleum products. **Mr. Merritt** also explained that metering systems are required to have an effective means to prevent vapor elimination. This also pertains to petroleum products. Further changes include the requirement that delivery receipts demonstrate when and how promotions are given.

Senator Harris asked how often the pumps are checked. **Mr. Merritt** answered that the pumps are checked on an annual basis.

MOTION: **Senator Jordan** moved to approve **Docket No. 02-0214-1801**. **Senator Mortimer** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
02-0408-1801**

Rules for Governing Grade A Milk and Milk Products. Dr. Scott Leibsle, Deputy Administrator, Department of Animal Industries, Idaho State Department of Agriculture explained that this pending rule as incorporated by reference. These are 2017 versions of the four governing documents that regulate the transport, sale, and testing of Grade A milk in Idaho. He continued to explain that an invitation for negotiated rulemaking was sent out. However, the Department of Animal Industries received no comments or requests. These documents were published by the Food and Drug Administration (FDA) and are revised every two years by a national committee. They evaluate all manner of regulations that promote Grade A milk in the United States. They also meet sanitary and public health and testing requirements primed to be shipped across state lines and sold for human consumption. These four documents make up the Grade A Pasteurized Milk Ordinance.

MOTION:

Senator Nelson moved to approve **Docket No. 02-0408-1801**. **Senator Jordan** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
02-0409-1801**

Rules Governing Milk and Cream Procurement and Testing. Dr. Scott Leibsle, Deputy Administrator, Department of Animal Industries, Idaho State Department of Agriculture explained that this rule change is the result of a joint petition received from the Milk Producers of Idaho, The Idaho Dairywomen's Association, and the Idaho Milk Processors Association. It clarifies language in the rule regarding the definition of terms, sample tolerance standards, enforcement protocols, and the recertification process for labs that fail to meet performance standards. There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 5, 2018 Idaho Administrative Bulletin, Vol. 18-9, pages 39-44. This rule does not regulate an activity not already regulated by the federal government, nor is it broader in scope or more stringent than federal regulations. The ISDA does not anticipate any fiscal impact as a result of this rulemaking.

Senator Mortimer asked how many labs are currently operating in the state of Idaho. **Dr. Leibsle** answered that there are ten labs currently operating in the state.

Chairman Guthrie asked if there would be any hardships for the milk producers if the milk gets rerouted to another lab. **Dr. Leibsle** answered that Idaho dairy producers should not be affected by the changes.

Senator Mortimer asked at what temperature the milk needs to be stored. **Dr. Leibsle** answered that the temperature range is a requirement that's set by the Department of Agriculture when they send proficiency test samples.

Senator Patrick asked Dr. Leibsle how Idaho compares to other states in regards to the standards that are set. **Dr. Leibsle** answered that Idaho has the most restrictive rule and the highest expectations out of any other state that our producers are being paid as accurately as possible for the quality of their milk.

MOTION:

Senator Mortimer moved to approve **Docket No. 02-0409-1801**. **Senator Nelson** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
02-0413-1801**

Rules Governing Raw Milk, Dr. Scott Leibsle, Department of Animal Industries, Idaho State Department of Agriculture explained that this pending rule incorporates by reference the 2017 edition of the Grade A Pasteurized Milk Ordinance, except those provisions establishing raw milk standards for raw milk for pasteurization. This change does not affect the majority of the producers that sell or that are regulated by the raw milk rule. It will only affect those facilities which sell raw unpasteurized milk for human consumption that are too large to be top rate out of the small herd exemption portion of the rule. There are over 100 small herd exempt facilities in the state and they will not be affected by this rule change. There are approximately 11 unlimited raw milk permits in the state and these are the ones that have more than the minimum of either three cows or seven goats or sheep. And if there are more than those numbers of animals then it would be necessary to operate on an unlimited raw milk permit.

Senator Mortimer asked Dr. Leibsle if he could further explain the changes to the Rules Governing Raw Milk. **Dr. Leibsle** explained that there are several standards which have been adopted by the industry for the transfer of milk bulk tanks. The piping equipment that's used in the manufacturing of milk pumps also needed to be updated to the current version of the pasteurized milk ordinance.

Senator Mortimer asked Dr. Leibsle if he was talking specifically about pasteurization instead of raw milk standards. **Dr. Leibsle** answered that the pasteurization portion of the document does not affect or change the rule. The handling of the milk and the sanitation requirements that go along with it are the reason for incorporation of the documents.

MOTION: **Senator Nelson** moved to approve **Docket No. 02-0413-1801**. **Chairman Guthrie** seconded the motion. The motion carried by **voice vote**.

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

ADJOURNED: There being no further business, **Chairman Guthrie** adjourned the meeting at 8:39 a.m.

Senator Guthrie
Chair

Jacob Garner
Secretary