

MINUTES
HOUSE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Wednesday, January 20, 2021

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Kauffman, Vice Chairman Andrus, Representatives Boyle, Kerby, Giddings, Marshall, Nichols, Hanks, Cannon, Moon, von Ehlinger, Toone, Ruchti, Mathias

**ABSENT/
EXCUSED:** None

GUESTS: David Lehman, Idaho Ag Aviation Administration (IAAA), Melinda Merrill, NW Grocery Assoc., Bob Naerebout, Idaho Dairymen's Association, (IDA), Marv Patten, Milk Producers of ID, Irma Morin, Community Council of Idaho, Jonathan Oppenheimer, Idaho Conservation League (ICL), Ayisha Stucker-Gassi, Northwest Center for Alternatives to Pesticides

Chairman Kauffman called the meeting to order at 1:30 p.m.

MOTION: **Rep. Hanks** made a motion to approve the minutes of January 14, 2021. **Motion carried by voice vote.**

DOCKET NO. 02-0000-2000FA, RULE 02.02.14: **Brian Oakey**, Deputy Director for the Idaho State Department (ISD), spoke to omnibus **Docket No. 02-0000-2000FA, Rule 02.02.14. Governor Little** directed the ISDA to begin the process of increasing fees and shifting all costs associated with a new full-time position approved for the Weights and Measures Program. The new inspector position was needed to keep pace with increasing demand for the inspection services provided. The proposed fee increase includes a plan to account for future programmatic costs associated with capital replacements items, and two new license categories, Mass Flow Meters and Electric Vehicle Charging systems, due to their emergence in the commercial marketplace. The process for raising fees over a three-year period utilizes a "not to exceed" fee statement establishing the maximum amount the fees can be raised. When the top end is reached, the graduated fee table is no longer necessary and will no longer be incorporated by reference into the rule. Mr. Oakey turned the podium over to **Kyle Wilmot**, the ISDA Bureau Chief who oversees the weights and measures program.

Kyle Wilmot, Bureau Chief, Ag Inspections Division, explained there is only one proposed change and this would be adding the incorporated by reference piece to reference the table that is going to be used for the three-year tiered approach for the proposed fee increase. This section was added to make it simpler and allow the updates to the proposed fee increase to occur without having to come back to the committee each year for the updated fees. After the final year of the increase the incorporation by reference section will need to be removed. The proposed fee increase is in relation to ensuring the program will be able to cover costs of the added position, programmatic costs related to capital replacements, and ensure the program can provide a consistent level of service and ensure equity in commerce.

DOCKET NO. 02-0000-2000FA, 02.03.03: **Brian Oakey** presented **Docket No. 02-0000-2000FA, Rule 02.03.03**, and explained the substantive changes proposed in this rulemaking focused on four rule categories: The first updates pesticide license categories to ensure the Idaho rule remains consistent with federal requirements and clarifies what license category an applicator must have. Second, to add new license categories. Third, to amend the rule language related to wind restrictions during spray operations, and fourth, to delete certain sections applying to specific aerial applications of pesticides. The ISDA is proposing to replace these hazard area restrictions with a new subsection providing a clear and concise statement that applications of pesticides resulting in drift outside of the target area are prohibited.

Ayisha Stucker-Gassi, Northwest Center for Alternatives to Pesticides, spoke regarding alternative pesticides, and said she was neither for nor against the docket.

Speaking **in support** of **Docket No. 02-0000-2000FA** were; **Irma Morin**, Community Council of Idaho, **David Lehman**, IAAA, and **Bob Naerebout**, IDA. Mr. Lehman stated the FAA regulates all aircraft and their standards must be complied with. A violation of these rules have consequences, and penalties to the applicator could occur.

Jonathan Oppenheimer, Idaho Conservation League, spoke **in opposition** to **Docket No. 02-0000-2000FA**, expressing concern about drift in target areas such as schools and hospitals.

MOTION: **Rep. Hanks** made a motion to approve **Docket No. 02-0000-2000FA** with the exception of **Rule 02-02-14**.

SUBSTITUTE MOTION: **Rep. Marshall** made a substitute motion to **approve Docket No. 02-0000-2000FA**.

AMENDED SUBSTITUTE MOTION: **Rep. Toone** made an amended substitute motion to **HOLD Docket No. 02-0000-2000FA** for time certain, Tuesday, January 26, 2021.

ROLL CALL VOTE: **Chairman Kauffman** stated he was in doubt regarding the voice vote and called for a roll call vote on the amended substitute motion. **Amended substitute motion carried by a vote of 12 AYE and 2 NAY**. Voting **in favor** of the amended substitute motion: **Reps. Boyle, Kerby, Giddings, Marshall, Nichols, Hanks, Cannon, Moon, von Ehlinger, Toone, Ruchti and Mathias**. Voting **in opposition** of the amended substitute motion: **Chairman Kauffman and Vice Chairman Andrus**.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:27 p.m.

Representative Kauffman
Chair

Jayne Feik
Secretary