



# CAPITOL REVIEW

## A WEEKLY LEGISLATIVE REPORT

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#### PESTICIDE & FERTILIZER PROTECTION ACT

S1245 would add language to the Idaho Pesticide & Fertilizer and Consumer Protection Act to clarify in Idaho Code that if someone files a lawsuit against the manufacturer of a pesticide product that they can't use a "failure to warn" claim as justification for that lawsuit. The Environmental Protection Agency (EPA) under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), provides for federal regulation of pesticide distribution, sale and use. All pesticides distributed or sold in the United States must be registered and licensed by the EPA. Before EPA can register a pesticide under FIFRA, the applicant must show, among other things, that using the pesticide according to specifications "will not cause unreasonable adverse effects on the environment." FIFRA defines this unreasonable risk to man or the environment, taking into account the economic, social and environmental costs and benefits of the use of any pesticide. It also addresses human dietary risk from residues that result from a use of a pesticide in or on any food inconsistent with the standards -of the Federal Food, Drug and Cosmetic Act. S1245 determines that an EPA registered and approved pesticide label provides sufficient warning based on the use of that product as well as any safety or health assessment made under FIFRA. The time, rigorous review process and scientific proof it takes to receive approval for labeling has only become more stringent and costly over time. This legislation provides security for that process, includes protection for all agricultural pesticide products and is being spearheaded by Bayer.

#### HONEY INCREASES SPENDING AUTHORITY

The Idaho Honey Commission (IHC) collects a fee per hive from all commercial honey producers in Idaho. This fee flows into the IHC to be used for promotion, education or research approved by the Commission. The fee is collected and maintained at the Idaho State Department of Agriculture (ISDA) and the legislature grants a certain level of spending authority. The Honey

Commission currently can expend \$16,300 each year out of the collected fees. The Honey Commission has requested that the spending authority be increased to \$22,000/annually due to the current balance in the fund and the increased income to the fund based upon honey production in Idaho. ISDA has already presented their maintenance budget to the Joint Finance & Appropriations Committee which included the increased spending authority.

#### MASK MANDATES

H396 would prevent the State of Idaho, its political subdivisions, or any state officers from mandating the use of face masks, face shields or other face coverings as a means to prevent the spread of a contagious or infectious diseases. It is also specified that a face mask, face shield or face covering shall not be required by the state, a political subdivision or an official as a condition for entry, education, employment or other services. H396 is intended to address mask mandates stemming from 2020, the unintended consequences of the bill encompasses agencies and political subdivisions that directly affect agriculture.

Food Producers of Idaho is opposed to H396 due to the language that would prohibit state facilities from requiring a face mask, face shield or face covering as a condition of entry or employment. Regardless of the reason for the requirement, even if unrelated to preventing spread of an infectious disease, H396 places an undue health and safety risk upon university research labs and state-operated diagnostic and testing labs. Idaho agriculture cannot support legislation that places in peril our state's ability to respond to emergencies and the health and safety needs of our research, diagnostic and testing facilities.

#### CANOLA WORKSHOP

The Idaho Oilseed Commission sponsored a canola workshop that was hosted by the Pacific Northwest Canola Association this past week in Moscow. The Idaho Oilseed Commission is a relatively small

commission that receives assessments from oilseed crops grown in Idaho. Those crops include flax, safflower, mustard and of course canola. This past year, canola acres were just shy of 100,000 A across Idaho with a vast majority being grown on dryland farms. The workshop highlighted the ins and outs of the canola market; how grower assessment dollars are being used on research projects; relevant agronomic practices to growing canola and much more. Over 100 growers attended the regional workshop.

### NOXIOUS WEED RULES

The first couple weeks of the legislative session are heavily inundated with the review and action on administrative rules. This last week the rule governing noxious weeds and invasive species was presented to the germane Ag committees. The major change that occurred in this rule was to finalize the incorporation of Cogon grass into the Statewide Early Detection Rapid Response (EDRR) Noxious Weed List. To be applicable for the EDRR list the weed is likely found to occur in a small population and it needs to be eradicated in the quickest way possible. This grass was found in the Boise foothills and swift action was taken by local authorities to remove the invasive species. The species is found mainly in the southeast part of the United States and has a tendency to form dense stands that can crowd out native species. Cogon grass is considered one of the worst invasive species in the world, causing both economic and ecological damages that impact forestry, agriculture and rangeland. This rule was approved by both committees.

### PESTICIDE RULES

Another administrative rule that was negotiated over the interim was the rule dealing with the pesticide and chemigation use and application. There were several large overhauls to the rule that included the exam, applicator categories, the commercial apprentice license, recertification seminars and record keeping requirements. In regard to the categories for professional applicators, there were several changes made to better reflect what is found in the Code of Federal Regulations. The ISDA is mandated by EPA to submit a plan that shows that we are in compliance at the state level with the CFRs. Many of the applicator categories would be a straight transition, but there are a couple that are not. The intent is to place a current category holder in the most similar new category without the mandate that would require the applicator to retest. Additionally, the standards for applying and receiving certification credits for a seminar host was specified. There will also be changes to amount of credits needed to maintain your license. However, the total credit minutes remains unchanged. Due to some confusion in a definition of the rule, it was held in the House Agricultural Affairs Committee until the definition was addressed.

### IDAHO BRAND BOARD RULES

The Idaho Brand Board negotiated rules during the interim that would increase the fee collected per head to \$1.25, from the current fee of \$1.19. This process was preceded by 18 months of stakeholder discussion to determine if this was the correct path for the industry, and it was not a decision taken lightly. The brand board inspects all the cattle in the state when a sale occurs to determine ownership. Additionally, the brand board investigates any potential claims of theft. Stakeholders circled the wagons on the board because it appeared that the board could be in financial trouble as it is run solely on funds derived from the fee assessed. Inflation and the cost of doing business has put the board in pinch because the amount of income only fluctuates around the number of animals assessed. The board was fine in 2021 and 2022 but then the drought that occurred in Idaho caused the number of head being inspected to increase. However, as the cattle herd is rebuilding and inspections are slowing down, costs continue to stay flat. Hopefully the \$.06 increase will hold the board solvent for the foreseeable future.

### RESOURCE COMMITTEE CHAIRMAN

This week features the chairman of the Senate Resources and Environment Conservation Committees and the House Resources and Conservation Committee. **Chairman Van Burtenshaw:** Senator Burtenshaw represents District 31 which included Clark, Fremont, Jefferson and Lemhi Counties. He is a farmer, rancher and a livestock dealer. Senator Burtenshaw is serving his 3rd Term in the Idaho Senate having served 2 terms in the Idaho House (2014-2018). Following High School graduation he attended Ricks College where he holds an AA degree. He is married to his wife Joni. The Bertenshaw's reside in Terreton, Idaho. Senator Burtenshaw's father also served as a member of the Idaho Legislature. **Chairman Ron Mendive:** Rep. Mendive is serving his 6th term in the Idaho House. Rep. Mendive is from District 5 in Kootenai County. Mendive was born in Elko, Nevada and graduated of Kellogg High School and North Idaho College. He initially served as a five-term precinct committeeman and served as a principal in corporation that developed first successful self-igniting pellet stove. Rep. Mendive is married to spouse, Sherlene and they have raised three children and are enjoying life with six grandchildren.

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