



IDAHO FARM BUREAU FEDERATION

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July 23, 2018

Dr. Scott R. Leibsle, Deputy Administrator
Division of Animal Industries
Idaho State Department of Agriculture
2270 Old Penitentiary Road
Boise, ID 83712

Dr. Leibsle:

On behalf of the more than 78,000 Idaho families who are members of the Idaho Farm Bureau Federation, I am writing in response to your request for comments on whether the proposed repeal of the phosphorus threshold sunset clause should proceed under rulemaking this year, for consideration by the 2019 Legislature.

The members of the Idaho Farm Bureau strongly support moving forward with the repeal of the sunset clause this year. This will remove considerable uncertainty as dairy NMPs come up for renewal. Currently, there is the tacit, but unwritten authorization from ISDA that a producer could choose to continue using the phosphorus threshold method as they renew their NMP between now and 2023.

However, if the sunset is not repealed this year, and instead held over for consideration again next year, that clearly gives a signal to producers that there may or may not be a repeal of the sunset. It would be at least 2020 before any future repeal would be finalized, ensuring at least two additional years of uncertainty and risk. This means that anyone who chooses to keep the threshold method may ultimately be required to shift to indexing mid-way through their NMP at an additional expense.

During this time of great financial distress for dairy operators due to low milk prices that will only be exacerbated by an escalating international trade war, a repeal of the sunset moving forward through the process now would reduce uncertainty and provide assurance to producers that whichever option they pick when their NMP expires, it will still be honored through the lifetime of their new NMP.

Furthermore, ISDA is far more likely to get individual dairymen to participate in any discussions about updating the NMS if the sunset has already been repealed since they will then have a vested interest in ensuring a workable standard. If the sunset repeal is held-over and the uncertainty continues, they are far less likely to engage not knowing whether their time is being invested or wasted since it could all be moot if no sunset repeal is forthcoming.

You will recall that during negotiated rulemaking in the summer of 2017, both Farm Bureau and Milk Producers of Idaho spoke in favor of adding the proposed phosphorus indexing standard, while also supporting the continuation of the phosphorus threshold standard as an option. We were told by ISDA that this was outside the scope of the rulemaking process then underway, and we would have to submit a new petition for the next year.

We told Deputy Director Brian Oakey immediately after the meeting that we would be bringing forward a new petition to remove the sunset. We have already postponed this discussion for one year at ISDA request.

Now that we have submitted our petition to remove the sunset clause, ISDA is suggesting that the 1999 version of the NRCS 590 document should be reviewed if the threshold method will continue to be an option. We have no opposition to reviewing the standard. However, there is no reason that the review of the 590 must be tied to the repeal of the sunset.

In fact, the review of the NRCS 590 can begin this year. Meanwhile, the existing standard would continue to be used until a new standard is promulgated and approved by the legislature. There is no plausible reason why these two separate proposals cannot move forward on two separate time tables.

The phosphorus agronomic threshold is the same in both the 1999 and the 2013 NRCS 590 documents. Both contain a 40 ppm standard. If ISDA is suggesting there are other parts of the NMS which pertain to the phosphorus threshold standard that it would like to review, that will need to be identified and discussed through the rulemaking process so dairymen can review and respond.

The Idaho Farm Bureau plans to fully participate in any future discussions of NMS standards. Again, our members see these as two fully separate issues and request ISDA to treat them as such.

If you have any questions relating to these comments, please contact Russ Hendricks in our Boise office at 208-342-2688.

Thank you for the opportunity to express our members' concerns on this important issue.

Sincerely,

A handwritten signature in cursive script that reads "Bryan Searle".

Bryan Searle, President
Idaho Farm Bureau Federation