

IDAHO DEPARTMENT OF AGRICULTURE
2270 Old Penitentiary Road
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Boise, ID 83707

02.06.06 RULES GOVERNING THE PLANTING OF BEANS
Minutes of June 18, 2021 Meeting

HOSTS/FACILITATORS: Lloyd Knight, ISDA
Chanel Tewalt, ISDA

STAKEHOLDERS PRESENT: Darren Krzesnik
Gina Lohnes
Brad Smith
Andi Woolf Weibye
Steve Schwartz
Kathy Stewart-Williams
John Snelling
Lorell Skogsberg
Nick Bredeweg
Richard Winn
Doug Boze
Monty Hamilton
Gary
Roger Batt

DEPARTMENT STAFF: Dallas Burkhalter, Office of Attorney General – ISDA
Katy Devries, Office of Attorney General – ISDA
Andrea Thompson, ISDA
Tina Eiman, ISDA
Dicsie Gullick, ISDA

Lloyd Knight called the meeting to order at 8:33 AM MDT. He explained that the comment period was open until June 20th and then the rules would be finalized and sent to DFM to be published in the July Bulletin. There would be another open comment period following the bulletin posting when it would be possible to request a public hearing. The final draft of the rules will be put before the Legislature at their next session. He then turned the meeting over to Dr. Andrea Thompson to present the strawman.

Andrea began by summarizing the following changes being made:

- Section 001 – The title of the rule is being struck as a matter of housekeeping.
- Definition 010.01 – the language regarding the specific yellow tag was removed and the additional regulatory test was added for field inspection. Language was simplified and clarified for testing and section 02 was struck.
- There was a strike and addition to the definition of detailed varietal planting plan.
- The definition for Drip irrigation was added

- The definition for edible harvest was modified
- The definition for farmstead was removed.
- The definition of field was added.

Gary Petersen had a question regarding the definition and boundaries of fields.

John answered that it was based on recognizable boundaries. Everything inside the recognizable boundary even if it is not cropped.

Andrea continued explaining the changes:

- The definition for home garden was changed to include a maximum of one-half acre.
- The farmstead language was struck from definition of trial grounds.

John Snelling had a question regarding trial grounds: what about greenhouses and breeding nurseries? Are they just a subset of trial grounds and not called out?

Tina stated that ISDA considers greenhouses just like trial grounds. ISDA considers greenhouses a parcel of land, but language could be added if needed.

John Snelling stated that it might be a good idea to add something in the rule about greenhouses and breeding nurseries.

Lloyd Knight asked if the ISDA have had any problems with nurseries and trial grounds.

Dallas Burkhalter answered that the ISDA have never had a problem defining this and John Snelling added that if it is covered in the rule, then it's fine.

Andrea continued explaining the rule changes:

- In section 012, Fuscus blight was added as a regulated pest.
- In section 050, there was some clarifying language added regarding growing plants and non-Phaseolus
- In sections 51 and 52 there was some housekeeping items of updating rule sections that had changed.
- Section 150 was changed to include inspections of Phaseolus and non-Phaseolus seeds. With this addition, section 151 was stricken.
- Section 150.01.b will require growers to provide email addresses.

Tina asked what if the grower does not want to share their email address.

Andrea answered that the email address would be most applicable for moving toward destruction orders. That is when ISDA will have to have the email address.

Monty asked if the destruction orders will only be sent by email.

Lloyd answered that it would be an additional layer of communication.

Monty pointed out that some growers do not use email.

Tina asked if the grower refused to give us their email if it would be ok.

Lloyd and Tina both agreed that it would be fine. Andrea added that if the ISDA sent an email and they do not hear back, they would call the grower.

John Snelling asked why it was there. The form has name, address and phone number. He does not think that we need to call out the addition of the email. He was wondering if it needed to be added to the rules.

Andrea stated that the name and phone number was the only information on the form and reiterated that they needed the additional layer of communication.

John Snelling asked if we needed to call out all information required and not just the email.

Lloyd stated that ISDA would talk about it.

Andrea continued reviewing the changes to the rules:

- Section 150.01.c. had September deleted and August added.
- Section 150.02 had a strike due to redundancy and 150.02.a. had an addition of the word “drip.”
- Section 151 was struck because it was combined with Rule 150.
- Section 200.01 added the words “or final.”
- Section 200.02 had language added for Non-Phaseolus.
- Section 200.03.a. had additional language regarding reporting and testing
- Section 200.03.b. had additional language regarding Non-Phaseolus needing both tests conducted by the Department.
- Section 200.05 the language regarding east of the continental divide was struck
- Section 200.06 the language regarding west of the continental divide and from a foreign country was struck.
- Section 200.06.a. was added stating a written request was required to bring seed back into Idaho.
- Section 200.06.c. had language added regarding tagging.
- Section 200.07 had a section referenced an additional section of rules.

John Snelling asked if section 200.10.a.i. should include the words “or drip.”

Lloyd stated that ISDA would need to go through the rule and make sure that “or drip” was added whenever rill irrigation was mentioned.

- Section 201 had been struck because it had been combined with the rule regarding planting Phaseolus.

- Rules 250.02.a. and b. had language added regarding experimental plots, had combined language to mirror subsection c, and added both tests.

John Snelling asked if breeding nurseries needed to be added to the rule. He added that there should not be an exemption for testing and would like it identified.

Tina Eiman asked if John would like it added to the definitions because usually they are covered under experimental plots. She stated that it could be added to the definition of trial ground.

John Snelling stated that it comes down to the how to handle the resulting seeds because it can be a very small amount of seeds.

Lloyd asked stakeholders to submit language and added that if a breeding nursery is in our system as a trial ground it is covered. But if it is something that we do not cover he would like specific language.

Lloyd and Tina agreed to add clarification to the definition.

Andrea continued reviewing the draft rules:

- Rule 250.04 had clarifying language added regarding regulated pests.
- Rule 300 had section numbers updated to be consistent with changes
- Rule 350.01 had changed “may” to “will.”
- Rule 350.03 had clarifying language added regarding regulated pests.
- Rule 400.02.a. and b. had language added regarding destruction plans and destruction of diseased seeds.

Monty Hamilton question whether plowing should be part of the rule since there are many different methods for incorporating plant material into the soil. He added that plows are sometimes hard to come by.

Michael Goodson added that those issued had been addressed and Andrea added that the words “or other method approved by the director” had been added to take the different methods into account.

Gary stated that he would like to see the rule left as is, since plowing is the preferred method, but other options are covered.

Michael Goodson asked if there was a clause stating residue can leave field boundaries.

Lloyd answered that the way the language reads nothing can happen until there is an approved plan. Everybody agrees what is going to happen prior to it happening.

Michael Goodson added that while Treasure Valley has lots of plows, Magic Valley does not have very many. The main focus should be on preventing movement because only time kills the disease.

Andrea finished reviewing the draft rules ending with sections 450.02 and 451 that includes language striking two exemptions from destruction. There were also changes to the Laboratory Seed Sampling table. She then called for questions and comments on anything covered up to that point.

Gary asked about section 210 and asked for clarification regarding the number of generations and types of irrigation.

Tina explained that the first generation coming into Idaho would be under serology test and would be under rill or drip. The second generation could go under either rill or sprinkler irrigation. If it is under sprinkler then serology test is required whether you will be replanting under rill or sprinkler.

Gary asked how many generations are allowed to be grown under sprinklers and Tina answered a maximum of 2.

Gary then asked is section 210.b.ii. could be changed so instead of the word “thereafter” it specifically said “second generation.”

There was some confusion about how the rule was written and how best to clarify it. Andrea stated that this conversation came up at the last meeting and there was an attempt to make the language clear. She then asked that those involved with the discussion email possible language.

Gary proposed changing 210.b.ii. to say two generations instead of one.

John Snelling agreed with changing the language to two generations if “with the following conditions” added.

Andrea made a note of the changes proposed to that section.

Lloyd stated that ISDA will change the language and email it out to those involved and asked that they review it and send it back quickly.

Andrea called for thoughts and comments.

Mike Goodson stated that he had come to the meeting and asked if there was an agreement to regarding destruction of seeds and 3-5 years. He spoke with growers and they were not opposed to 5 years across the Board.

Andrea pointed out that for destruction it is 5 years for anthracnose and bacterial wilt and three years for all other regulated pests. It was discussed at the last meeting and that was the suggestion put forth.

Mike asked if it could be extended to 5 years for all diseases and Andrea stated that there was significant input that the other diseases do not last that long. Growers should not be limited for a

disease that does not last 5 years. The requirement was 2 years in the past, so it is already being extended. She saw no need to extend it further.

Andrea briefly described the process for arriving at the 3- and 5-year requirements. It was first brought up in April and discussed further in May, and a consensus was reached during the May meeting among stake holders.

Lloyd Knight thanked everyone for their participation in the process . He reiterated that they will make the changes discussed and email them out for review. He also mentioned that the comment period closed on June 20th . The next communication will be when the rule is published so that comments can be sent in if needed.

Lloyd Knight adjourned the meeting at 9:39 AM MDT.