

***Idaho State Department of Agriculture  
02.04.32 Rules Governing Poultry  
May 9th, 2023, 3:00 p.m.  
Lloyd Knight, Dr. Scott Leibsle, Hosts/Facilitators***

Present: Dallas Burkhalter, Office of Attorney General – ISDA; Mitch Vermeer, ISDA; Martha Walbey, ISDA; Emily Courter, ISDA. Josh Scholer, DFM; Kyle Wilmot, ISDA.

**AGENDA ITEMS**

**WELCOME:**

Lloyd Knight started the meeting at 3:05p.m. via teleconference.

Mr. Knight asked Dr. Leibsle to give a summary of the rule.

Dr. Leibsle started giving his summary for the record. “Good afternoon this is the scheduled negotiating rule making for the rules governing poultry operations”. Dr. Leibsle stated the rule number. He continued stating the primary purpose of this rule making is to address the red tape reduction at the direction of the Governor’s office, in an effort for all environmental management rules to be simplified and consolidated. Dr. Leibsle continued, with indicating that there have been no substantive changes in any of the proposed rule language. Most of the strike through has been made to remove antiquated and outdated language and reorganize. He stated that there are four rules that address nutrient management on livestock operations under the governance of the Department of Agriculture. Dr. Leibsle stated, “Many of the provisions in these rules restate the same thing in different ways. What is being removed in each of these rules is to remove the common language that addresses the entire scope of all livestock environmental rules, and we are leaving the program specific language intact. The strike throughout, they are being relocated to the rules governing nutrient management. No substantive changes are being made and we have not received any notifications from stakeholders to add or subtract anything. Anything that deals with construction or maintenance of a waste management structure will be pulled out and centrally located in rules Environmental Nutrient management. A lot of strike through however it is just being moved, not deleted”.

Dr. Leibsle asked if anyone had any additional comments or questions and ended his general summary of the rule.

Josh Scholer stated, he was curious as to the requirements we put on people. He wondered if this is all federally required. Mr. Scholer asked “Have we looked at the requirements, to see if they are still justified in comparison to other states”.

Dr Leibsle responded by stating the federal oversight of these programs is limited to, “if and when” there would be any waste discharged to waters of the state or waters of the U.S. He continued, with each specific program stakeholders have decided to address it in different ways. The dairy industry addresses it by being more stringent and that is at the industry’s request. He indicated there is no

federal mandate for inspections or nutrient management plans. There is an IPDES program that accomplishes a similar program that is overseen through DEQ. There is a federal role here but only at the end point where there would be a waste discharge. We are at the point that its managed so the Feds would not have to address it. "Its already taken care of".

Josh Scholer stated "that makes sense, thank you".

Dr. Leibsle also stated there are plenty of programs where we do have federal oversight and we must work hand in hand. The dairy sanitation program would be one of them.

Josh Scholer questioned, would it be fair to say that the requirements that are put on people are wanted and asked for? Are there any areas we could ease the pressure? He stated, "but if they are wanted then that's great".

Mr. Knight stated that the federal agencies want this and that they don't have the ability to regulate them on a day-to-day basis like our agency does. It is a win, win for everyone.

Josh Scholer, "I have no interest in the federal government regulating our folks, I just didn't know if there are any areas that the department haven't talked about. It sounds like these rules have been rigorously negotiated and everyone's on board, thank you."

Dr. Leibsle opened it up to other comments or questions.

No comments or questions were made

Mr. Knight ended the meeting at 3:20pm.