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## Idaho

# Idaho cottage food bills lose support

By SEAN ELLIS  
Capital Press

BOISE — The Idaho Legislature will not pass a cottage food bill this year.

However, the Idaho Department of Health and Welfare will hold a series of meetings around the state beginning April 27 to hear from those interested in cottage foods, which are products produced in unlicensed home kitchens.

Cottage food producers pushed for legislation this year that would have set standards and guidelines for cottage foods in Idaho code.

One such bill made it to the House floor but was sent back to committee. Another never made it out of committee.

The authors of both bills confirmed that neither will move forward this year. Instead, stakeholders will discuss the issue during a series of meetings around the state.

If the issue can be solved through rule-making without the need to pass a law, that would be preferable, said Rep. Clark Kauffman, a Republican farmer from Filer who introduced the bill that was sent back to committee.

If it can't, "then we'll come back next year and write a law," he said. "If we don't need a law, there is no sense in passing one."

While Idaho's food safety rules state that the rules don't apply to cottage foods, state statute doesn't specifically address cottage foods.

Many cottage food producers want the legal certainty that would come with cottage foods being added to state code, said Boise farmer Josie



Sean Ellis/Capital Press

The Jelly Lady owner Marge Price sells jelly produced in a commercial kitchen at the Boise Farmers' Market on April 4. The market doesn't allow cottage food products made in home kitchens to be sold because cottage foods aren't addressed in Idaho law, which creates legal uncertainty, says market manager Karen Ellis.

Erskine, who has helped lead the effort to pass legislation addressing the issue.

Erksine said she was disappointed that no cottage food legislation was passed this year but she is happy the issue has been brought to the attention of lawmakers.

Because state code doesn't specifically address cottage foods, people who produce those products are in a state of legal uncertainty, she said.

"For someone who's trying to run a business, that's kind of a scary place to be," she said. "There has to be some legal certainty for people who choose to produce cottage foods."

During public testimony on Kauffman's bill, cottage food producers said that although the state's seven inde-

### Meeting schedule online

For more details about a series of meetings that will be held around Idaho to discuss cottage foods, go to [www.foodsafety.idaho.gov](http://www.foodsafety.idaho.gov)

pendent public health districts have allowed people to sell food from their home kitchens for 20-plus years, they each have different standards.

Kauffman's bill would have provided the industry consistency and legal certainty, Erskine said.

Boise Farmers' Market Manager Karen Ellis said her market only allows food produced in commercial kitchens

to be sold there because the market can't take the risk of allowing a product whose production isn't codified in state law to be sold there.

"Until there is a law in place, we don't have anything to go by to protect ourselves," Ellis said. "It needs to be defined in state law."

The IDHW, which oversees the health districts, is checking with the state attorney general's office to make sure the current practices of the health districts regarding cottage foods are legal, said Patrick Guzzle, who manages the department's food protection program.

If they are, "then we don't know that it's necessary to draft legislation on the issue," he said.

# Eight candidates vie for college of agriculture dean

By SEAN ELLIS  
Capital Press

BOISE — Idaho farmers and ag industry leaders will soon have a chance to meet the finalists for the dean position at the University of Idaho College of Agricultural and Life Sciences.

An advisory committee that is conducting a nationwide search has narrowed the pool of candidates from 25 to eight, Rich Garber, CALS' director of industry and government relations, told Food Producers of Idaho members April 1.

Phone interviews with those finalists will be conducted over the next two weeks and then the dean search committee immediately plans to bring three to five candidates to Idaho for in-person interviews, Garber said.

Garber asked FPI members for their counsel on where to hold meetings so people can meet the candidates.

FPI in January sent university officials a letter questioning why only one person from the state's farming community was included on the original 12-member dean search committee.

The university immediately added two more farm industry leaders after receiving the letter.

FPI President Travis Jones said he appreciated Garber updating the group on the dean search and asking its members for their input on the meeting location.

Garber's update and request for counsel is "a good sign, a good expression, that they value

the input of agriculture and want to give us the chance to meet these candidates," Jones said.

FPI members agreed it would be best to hold the meet-and-greets in Boise because that's where most of the heads of the state's farm commissions and associations reside.

The group also voted to provide up to \$1,000 to help offset the cost of the meetings.

Search committee members said they are impressed with the candidate list.

"I think they have a strong candidate pool," said Idaho Dairymen's Association Executive Director Bob Naerebout.

Idaho Grain Producers Association secretary treasurer and wheat farmer Joe Anderson agreed and said it's critical that CALS hire someone "who understands what agriculture is about in this state and how critical it is to this state. As many folks as possible, particularly the leadership of the various commissions and organizations, should try to meet these people and then provide their input once they get a take on these folks."

The search for a permanent dean was underway before the university's president and provost accepted other positions in spring 2013. The current dean, John Foltz, was appointed in June 2013 to a two-year term to allow time for the new president and provost to get on board.

Garber said the university intends to have the new dean in place by July 1.

# Farm groups help halt proposals to increase fee on dyed fuel

By SEAN ELLIS  
Capital Press

BOISE — Proposals to increase a fee on dyed fuel and other petroleum products in Idaho and use the money for road and bridge maintenance appear to be dead for this year.

However, increased enforcement of the state's dyed fuel law is now on the table.

Idaho farm groups helped halt several proposals to raise the state's 1-cent a gallon transfer fee on petroleum products. The fee is paid by the distributor when fuel is moved from bulk storage tanks but is passed on to the purchaser.

Most of those proposals would have raised the transfer fee by 2 cents a gallon. Agricultural groups argued that since dyed fuel isn't used on roads, it shouldn't be used to fund road and bridge maintenance.



Sean Ellis/Capital Press

Onions are planted in a field near Wilder, Idaho, on March 30. Idaho farm groups have helped beat back proposals to raise a fee on dyed fuel and use the money to fund road and bridge maintenance.

Dyed fuel, also known as dyed diesel, off-road or farm diesel, is exempt from state and federal taxes because it's only allowed in vehicles not used on public roads.

Sen. Bert Brackett, a Re-

publican rancher from Rogerson, told Idaho farm groups April 1 that legislators got their message on the transfer fee.

"I don't think that will resurface" this year, he told members of Food Producers of Idaho,

which represents 40 farm-related groups. The group had called a special meeting to deal with transportation funding.

A governor's task force determined the state needs an additional \$262 million per year

in transportation funding to maintain roads and bridges.

A flurry of bills and draft bills that address the issue have been floated in the Idaho Legislature in recent weeks and many more are in the works, Brackett said.

Idaho Farm Bureau Federation Governmental Affairs Director Russ Hendricks said it was nice to hear the transfer fee proposal appears dead.

"That's good news and we hope it doesn't get resurrected from the dead," he said.

Brackett told FPI members that forthcoming bills would likely seek to increase enforcement of the state's dyed fuel laws.

Besides agriculture, the fuel is also used in the mining and forestry sectors as well as by some local governments.

Brackett said increased enforcement wouldn't single out

any industry and would address persistent claims by some of widespread cheating.

Estimates of state revenue lost to cheating range from \$3 million to \$8 million a year.

Brackett said he would expect any cheating to end quickly once word got out about the increased enforcement.

"Hopefully, this will keep the honest guys honest and compliance will increase," he said.

Several farm organizations said they would not oppose increased enforcement.

"We could support increased enforcement on dyed fuel," said Milk Producers of Idaho Executive Director Brent Olmstead. "We don't want people breaking the law any more than anybody else does."

Hendricks said IFFB would not oppose increased enforcement since "we don't condone doing something that is illegal."

# Idaho barley yellow dwarf outbreak forces replanting

By JOHN O'CONNELL  
Capital Press

BURLEY, Idaho — Barley yellow dwarf virus is so rampant throughout Southern Idaho that growers in some areas are opting to destroy fields of infected winter grain and replant, according to University of Idaho crop experts.

Joel Packham, UI's Cassia County Extension educator, and UI cereals pathologist Juliet Marshall recently traveled through Minidoka and Cassia counties, finding about 85 percent of the winter grain fields they observed contained some level of the crop disease.

Marshall said she's seen the disease in fields spanning from Parma to Ririe.

Barley yellow dwarf is spread by aphids, but can't move from plant to plant. Symptoms include yellowing of leaves, stunting of plants and roots, irregular and small heads and emerging leaves with scorched tips, twisting and abnormal development.

Packham said the worst infections occurred in Rupert, Declo and the Golden Valley south of Burley. He expects yields to be down by as much as 60 percent in many hard-hit fields, where the effects of the virus were compounded by dry

spring weather prior to irrigation water becoming available.

"It was the general consensus with the crop consultants we were with that most people would probably spray the field with glyphosate (herbicide) and wait three days and till the grain, and then wait 14 days to plant a spring grain," Packham said in an April 1 alert to growers.

Russell Patterson, who farms in the Golden Valley, has already destroyed 900 acres of severely infected winter barley, which otherwise looked beautiful, and replanted spring barley.

His infection was so bad, it killed Junegrass in borrow pits. Patterson figured any winter barley harvested would have low yields and low test weight, likely resulting in its rejection as malt.

He said his multi-peril insurance should help him to "a limited degree," but he plans to plant only spring barley next season to avoid the risk. This season's infection occurred despite the fact that he followed recommendations to plant after Oct. 1, when aphids are normally less active, and applied a protective seed treatment. Patterson believes the increase in corn acreage in his

growing area to supply dairies has elevated the risk. Corn is a silent host of the disease, supporting the virus and aphids but showing no symptoms.

Patterson also has dryland winter wheat in Hazleton that sustained spotty infections.

Patterson said barley yellow dwarf symptoms can easily be mistaken for nitrogen deficiency due to the yellow leaves.

Brett Huse, a crop consultant with Biowest Ag Solutions in Aberdeen, has had a few calls about barley yellow dwarf and believes infections are spotty throughout Power and Bingham counties. He'll watch for the disease when he scouts fields for weeds soon, but acknowledges there's not a lot to be done at this point.

Marshall said the early break of dormancy in winter wheat due to mild winter weather resulted in premature depletion of soil moisture and plant stress, increasing disease susceptibility.

She believes monsoonal weather last August was also a major factor behind this year's outbreak, due to shattered grain heads sprouting in the fields, resulting in more volunteer plants to harbor the disease.

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