

# Farm lobbyists to track issues during 2017 Idaho Legislature

By SEAN ELLIS  
Capital Press

BOISE — When the 2017 Legislature convenes next month, Idaho Farm Bureau Federation officials will have their radar focused on several issues that could impact agriculture.

First, they will be looking to stop any proposed rules that could be harmful to the state's agricultural industry.

Legislators typically spend the early part of each session reviewing rules proposed by state agencies and others.

Lawmakers can accept or reject those temporary rules.

IFBF governmental affairs representatives recently asked members to alert them of any proposed rules they are concerned about.

Voters in November approved an amendment to the state constitution that solidifies the legislature's ability to reject proposed rules and protects that right against potential court challenges.

"I think now that (the amendment has) passed, legislators will be emboldened to take a finer tooth comb to reviewing the rules," said IFBF Director of Governmental Affairs Russ Hendricks. "There

are lots of rules rejected and it can be done. Let us know if there are any rules you have concerns about."

Farm Bureau will also fight any proposed changes to Idaho's dyed fuel program if they are burdensome or unfairly target agriculture, said Dennis Tanikuni, IFBF's assistant director of governmental affairs.

Dyed fuel is exempt from state and federal fuel taxes and used heavily by the agriculture, construction, timber and mining industries.

A bill that would have created a dyed fuel enforcement pro-

gram in Idaho and allowed law enforcement officers to inspect vehicles for illegal use of the fuel failed to pass in 2016 but is expected to resurface in 2017.

"We're willing to sit down and talk about dyed fuel enforcement but it's got to be fair," Tanikuni said.

Farm Bureau will also track the development of a new Eastern Snake Plain groundwater management area created in November by the Idaho Department of Water Resources.

"We're not sure what that's going to mean yet," Hendricks said. "We are going to keep a close eye on ... how this

evolves." He encouraged members to report any concerns about it because Farm Bureau "wants to make sure there is nothing detrimental to agriculture."

IFBF will also push a bill that requires the legislature to take affirmative action on any minimum stream flows set by IDWR, said Braden Jensen, Farm Bureau's energy and natural resource specialist.

Minimum flows set by the department go before the legislature but they go into effect even if the body doesn't take affirmative action on them.

"We want the legislature to

say 'yes' or 'no,'" Jensen said.

IFBF will support a bill that will amend Idaho's field burning program but that legislation will be challenged by environmental groups, Jensen said.

The change, proposed by the Idaho Department of Environmental Quality, is meant to avoid a large reduction in the number of allowable burn days for farmers due to a recent tightening of the national ozone standard.

"We can definitely expect that environmental groups will be lobbying against this proposal," Jensen said.

## Appeals court tosses out Calif. egg rule challenge

Egg-producing states lack standing to challenge law on hen housing

By MATEUSZ PERKOWSKI  
Capital Press

A federal appeals court has upheld a lower court's dismissal of a lawsuit filed by several state governments against California's rules for egg-laying chickens.

The 9th U.S. Circuit Court of Appeals has upheld a decision by U.S. District Judge Kimberly Mueller that Missouri, Nebraska, Oklahoma, Alabama, Kentucky and Iowa lack standing to challenge the regulations in court.

California voters approved a ballot initiative in 2008 that prohibited egg farmers in the state from confining hens so they were unable to lie down, stand up and move about.

In 2010, California lawmakers extended those rules to eggs produced in other states but sold in California, which prompted a lawsuit by the governments of major egg-producing states.

The state governments claimed California's law unlawfully interfered with interstate commerce and was pre-empted by federal law.

Mueller dismissed the lawsuit because the state governments didn't have an interest in the California law apart from the interest of private chicken growers who could represent themselves in court.

The 9th Circuit has agreed with that reasoning, finding that negative effects on egg producers are not of the same scale as, for example, a health hazard that could affect large swathes of a state's population.

The impacts of California's law on egg prices in the other states are "remote" and "speculative," while eggs are not of "central economic significance" to consumers, the court ruled.

Prices for eggs may rise



Capital Press File

Cartons of eggs are on display at a California market. The 9th U.S. Circuit Court of Appeals has tossed out an appeal of the state's chicken welfare law.

if farmers in Missouri, Nebraska, Oklahoma, Alabama, Kentucky and Iowa make significant changes to their operations to comply with the California law, the ruling said.

On the other hand, if they fail to comply with the law, they would lose the California market — potentially causing an internal oversupply and lowering prices to the benefit of consumers, according to the 9th Circuit.

California's law also isn't unlawfully discriminatory because "California egg farmers are subject to the same rules as egg farmers from all other states, including California itself," the ruling said.

While upholding much of Mueller's ruling, the 9th Circuit did reverse the judge's decision to dismiss the lawsuit with prejudice, which meant it couldn't be refilled.

The plaintiff states could allege new facts that would show they have standing, so the 9th Circuit found their complaint should be dismissed without prejudice.

## Members of Congress push for more hops research

By DAN WHEAT  
Capital Press

More than 100 members of Congress are asking the USDA to increase hop-related research to two full-time positions so that new pest-resistant and climate-tolerant hop varieties may be developed faster.

Reps. Dan Newhouse, R-Wash.; Peter DeFazio, D-Ore.; Erik Paulsen, R-Minn.; and Chellie Pingree, D-Maine, led 100 other members in a Dec. 1 letter to USDA Secretary Tom Vilsack and Under Secretary Cathie Woteki asking for the change.

It would involve a reallocation of \$200,000 to \$300,000 in research funding and could be done administratively, Newhouse's office said.

The Agricultural Research Service within USDA currently has one research scientist for hop pathology in Corvallis, Ore., and .7 of a position for genetic research on hops in the Lower Yakima Valley. The request is to make it a full-time position.

"This is something we started working on a little while ago and it's a process to get it done. It's nice to have so many members of Congress supporting this," said Jaki Brophy, spokeswoman for Hop Growers of American and the Washington Hop



Dan Wheat/Capital Press

Hops are harvested at Roy Farms near Moxee, Wash., in 2013. Members of Congress are asking the USDA to fund more research on hops.

Commission in Moxee, Wash.

The increase is important because would it means a research scientist will be devoted full-time to hops rather than sharing the time with another crop, Brophy said.

"There's huge demand for new varieties and you can't really bring out new varieties unless you have all the technical profile, like chemical levels, ready that brewers are looking for," she said.

While several private hop breeding programs exist, the two largest-volume hop varieties, Cascade and Centennial, were developed by public programs.

With growth of the craft brewing industry, consumers

continue to demand new aroma and flavors so developing new aroma hop varieties is important, the members of Congress wrote in their letter.

The brewing industry generated more than \$250 billion in economic activity in 2014, directly and indirectly employing more than 1.75 million Americans, the letter states.

"This activity is only sustained through a healthy, stable hop market," the members wrote.

Hop growers face a variety of challenges, including mites, mildew, blights and other pests and development of new varieties that are pest-

resistant and climate-tolerant would help increase yields and reduce pesticide use, they said.

In 2015, Washington produced 75 percent of the U.S. hop crop, followed by Oregon and Idaho. The three states produce about one-third of the world supply. Michigan and other states are also beginning to grow hops.

"Developing new climate-tolerant varieties could help expand commercial production putting growers closer to their customers and reducing the threat that a disaster in the Pacific Northwest would affect U.S. and global supplies," the members of Congress wrote.

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