

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT MEMORIAL NO. 4

BY AGRICULTURAL AFFAIRS COMMITTEE

A JOINT MEMORIAL

1
2 TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS
3 ASSEMBLED, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF
4 IDAHO IN THE CONGRESS OF THE UNITED STATES AND TO THE COMMISSIONER OF THE
5 UNITED STATES FOOD AND DRUG ADMINISTRATION.

6 We, your Memorialists, the House of Representatives and the Senate of
7 the State of Idaho assembled in the Second Regular Session of the Sixty-second
8 Idaho Legislature, do hereby respectfully represent that:

9 WHEREAS, the Food Safety Modernization Act (FSMA) was approved by Con-
10 gress in 2010 and signed into law in 2011; and

11 WHEREAS, the Food and Drug Administration (FDA) has issued proposed
12 rules to implement FSMA; and

13 WHEREAS, the FDA's proposed Produce Rule would require that irrigation
14 water used to grow over 200 varieties of fresh produce must meet numeric wa-
15 ter quality standards for primary contact recreation; and

16 WHEREAS, the proposed rule would further require water users to test
17 their irrigation water and immediately cease the use of irrigation water
18 that does not meet the numeric water quality standards for primary contact
19 recreation; and

20 WHEREAS, the proposed rule would further require water users to treat
21 irrigation water so that it meets the required recreation standard, or to ob-
22 tain an alternative irrigation water supply that meets the standard; and

23 WHEREAS, compliance with the proposed rule would be impossible or im-
24 practical throughout much of Idaho; and

25 WHEREAS, application of the proposed rule would eliminate many exist-
26 ing surface irrigation water supplies from continued use for the growing of
27 fresh produce in Idaho.

28 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular
29 Session of the Sixty-second Idaho Legislature, the House of Representatives
30 and the Senate concurring therein, that we oppose the FDA's proposed Produce
31 Rule or the adoption of any numeric water quality standard for irrigation
32 water.

33 BE IT FURTHER RESOLVED that we support the enactment of legislation by
34 Congress to prohibit the FDA from adopting the proposed Produce Rule or any
35 numeric water quality standard for irrigation water.

36 BE IT FURTHER RESOLVED that the Chief Clerk of the House of Represen-
37 tatives be, and she is hereby authorized and directed to forward a copy of
38 this Memorial to the President of the Senate and the Speaker of the House of
39 Representatives of Congress, the congressional delegation representing the
40 State of Idaho in the Congress of the United States and the Commissioner of
41 the United States Food and Drug Administration.