

SUPREME COURT OF IDAHO

American Lung Ass'n v. State, Department of Agriculture

142 Idaho 544 (2006) · Decided February 22, 2006

SUMMARY

The Idaho Supreme Court reviewed a challenge to the Idaho Department of Agriculture Director’s 2004 determination that no economically viable alternatives to field burning existed. The court held that the appeal was not moot despite a subsequent 2005 determination and concluded that the Director’s determination was not arbitrary or capricious. The court affirmed the determination and awarded costs on appeal to the respondent.

CASE DETAILS

COURT	Supreme Court of Idaho
WRITING FOR THE COURT	Eismann, Justice; Eismann; Schroeder; Trout; Burdick; Jones
JURISDICTION	Idaho
DECIDED	February 22, 2006
DISPOSITION	affirmed
PROCEDURAL POSTURE	Administrative appeal from a district court judgment upholding the Idaho Department of Agriculture Director's determination that no economically viable alternatives to field burning existed.
STANDARD OF REVIEW	The Supreme Court independently reviews the agency's determination, without substituting its judgment for the agency's regarding the weight of the evidence on factual questions. Under Idaho Code § 67-5279(2), the court must affirm unless the agency action violated constitutional or statutory provisions, exceeded statutory authority, resulted from unlawful procedure, or was arbitrary, capricious, or an abuse of discretion. Because the Director made a factual determination rather than exercising discretionary authority to permit field burning, the relevant inquiry was whether the determination was arbitrary or capricious.
PRECEDENTIAL VALUE	Published Idaho Supreme Court opinion; precedential.
PARTIES	American Lung Ass'n v. State, Department of Agriculture

TOPICS

judicial review of agency action

administrative law

mootness

standard of review

statutory interpretation

PRACTICE AREAS

administrative law

environmental law

appellate procedure

statutory interpretation

QUESTIONS PRESENTED

1. Whether the appeal from the Director's 2004 determination was moot because the Director issued a subsequent 2005 determination and Petitioners did not separately appeal that determination.
2. Whether the Director's determination that no economically viable alternatives to field burning existed was arbitrary or capricious.

HOLDINGS

1. The appeal was not moot merely because the Director issued a later determination upholding field burning and Petitioners did not appeal that later determination.
2. The Director's determination that no economically viable alternatives to field burning existed was not arbitrary or capricious and was affirmed.

KEY QUOTATIONS

“To hold that a subsequent determination moots a pending appeal from a prior determination would preclude judicial review of the determinations.” (at 546)

“The abuse-of-discretion standard of review does not apply in this case.” (at 547)

“The Petitioners have failed to show that his determination was arbitrary or capricious.” (at 549)

FACTUAL BACKGROUND

Idaho law requires the Director of the Department of Agriculture to determine whether economically viable alternatives exist to crop-residue burning for specified agricultural purposes. On June 28, 2004, the Director determined that no such alternatives existed for Northern Idaho Kentucky bluegrass production. The Director relied on studies and expert testimony indicating that nonthermal residue disposal substantially increased production costs and reduced rates of return. Petitioners relied in part on the continued operation of bluegrass farms in Spokane County, Washington, after field burning was banned, and argued that the Director failed to account for environmental and health concerns and all evidence in the administrative record.

PROCEDURAL HISTORY

The Director issued a June 28, 2004, determination that no economically viable alternatives to crop burning existed. Petitioners timely sought judicial review in the district court, which upheld the determination by order entered March 21, 2005. Petitioners timely appealed to the Idaho Supreme Court. During the appeal, the Director issued a 2005 determination, and the Department argued that the 2004 challenge was moot.

DISPOSITION

affirmed

CASES CITED

- Moon v. North Idaho Farmers Ass'n, 140 Idaho 536, 96 P.3d 637 (2004)
- Ameritel Inns, Inc. v. Greater Boise Auditorium Dist., 141 Idaho 849, 851-52, 119 P.3d 624, 626-27 (2005)
- Sagewillow, Inc. v. Idaho Dept. of Water Res., 138 Idaho 831, 70 P.3d 669 (2003)
- Purco Fleet Services, Inc. v. Idaho State Dept. of Fin., 140 Idaho 121, 90 P.3d 346 (2004)
- Enterprise, Inc. v. Nampa City, 96 Idaho 734, 536 P.2d 729 (1975)

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