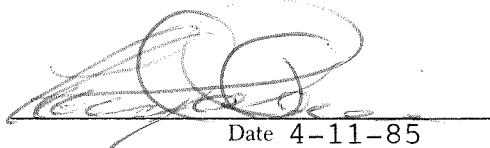


Approved 

Date 4-11-85

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

The meeting was called to order by Lloyd D. Polson at
Chairperson

9:00 a.m./~~pm~~ on March 26, 1985 in room 423-S of the Capitol.

All members were present except: Representatives Bryant and Buehler, who were excused.

Committee staff present:

Raney Gilliland, Legislative Research Department
Norman Furse, Revisor of Statutes Office
Mary Jane Holt, Committee Secretary

Conferees appearing before the committee:

Freeman Biery, Director, Weed and Pesticide Division, State Board of
Agriculture

Jerry Doop, Maxima Fertilizers, Garden City

Howard Tice, Kansas Association of Wheat Growers

Don Snethen, Department of Health and Environment

Malcolm Moore, Kansas Chapter, Sierra Club

Rich McKee, Kansas Livestock Association

Marsha Hutchison, Kansas Fertilizer and Chemical Association

Representative Long moved to approve the minutes of March 19 and March 20.
Representative Teagarden seconded the motion and the motion passed.

Hearing on S.B. 330 - Enacting the Kansas chemigation safety law

Freeman Biery explained the provisions of the bill. He noted chemigation has been in use for 20 years. The Senate Agriculture Committee amended the bill by deleting the application and examination fee for safety supervisors, as well as the examination for safety supervisors.

Jerry Doop testified in support of S.B. 330.

Howard Tice stated his association feels S.B. 330 is a good bill and they approve of the amendments made by the Senate Agriculture Committee. His association also supports S. B. 331. They feel the registration of pesticide dealers is a good step in insuring proper regulation within the chemical industry in Kansas. (Attachment A)

Don Snethen testified the Kansas Department of Health and Environment supports and encourages the enactment of S.B. 330 to assure protection of regional water supplies as well as the individual chemigator's water supply. (Attachment B)

Malcolm Moore said the Sierra Club supports S.B. 330 as an important step to protect the state's groundwater from accidental contamination. They also urge the restoration of the language in Section 6 which requires farmers to pass a qualifying examination before they may chemigate. They also advocate requiring farmers to post their fields while chemigating. To tell whether the preventive efforts are being successful, they propose the testing of wells on an annual basis. (Attachment C)

Rich McKee stated his association's water subcommittee raised some questions about several sections of the bill. He said they do support the bill but recommended it go to an interim committee for further study.

The Chairman closed the hearing on S.B. 330.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS,
room 423-S, Statehouse, at 9:00 a.m./~~pm~~ on March 26, 1985

Hearing on S.B. 331 - Requiring registration of pesticide dealers.

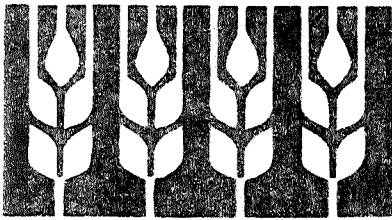
Freeman Biery reviewed the bill. This bill, as amended, would add a definition of pesticide dealer to the Kansas Pesticide Law, with a registration fee of \$25.00 to be deposited in the Pesticide User Fee Fund. The E.P.A. requires that restricted use pesticides not be made available to uncertified individuals, such as wives or sons of farmers. However, the new state registration will permit the state to write a plan that would permit uncertified persons to pick up restricted use pesticides.

Marsha Hutchison stated the Fertilizer and Chemical Association's Board of Directors and Legislative Committee have approved the dealer registration.

The Chairman closed the hearing on S.B. 331.

The next meeting will be Wednesday, March 27, 1985, in Room 423-S at 9:00 a.m.

KANSAS ASSOCIATION
OF WHEAT GROWERS



TESTIMONY

House Committee on Agriculture and Small Business
SENATE BILL 330 & SENATE BILL 331

Tuesday, March 26, 1985

My name is Howard Tice, and I am Executive Director of the Kansas Association of Wheat Growers. I appreciate the opportunity to appear today and express our Association's views in support of Senate Bills 330 and 331.

As farmers, our members are very aware of their reliance on water in the production of their crops. They are equally aware of their responsibility for the wise use, and protection of that water supply, both for the future of agriculture, and the assurance of a clean, healthy water supply for us all.

We feel that Senate Bill 330, as it now stands, is a good measure to bring about the necessary regulation of a vital, but potentially dangerous practice. However, we would like to make it clear that the amendments made by the Senate Agriculture Committee were necessary to remove what our members feel could be described as "overkill." We feel that the bill is very workable in its present state, and we applaud both the Department of Agriculture, and the Senate Agriculture Committee for the bill you now have before you.

Our reasons for supporting Senate Bill 331 are very similar, and that is why we have chosen to speak to both of them at the same time. While the areas covered are different, the end result of proper regulation and supervision by the Department of Agriculture, of two potentially dangerous areas of agricultural endeavor is the same.

We feel that farmers and ranchers today are very well educated in the use of the chemicals they use, and the dangers they represent if not used properly. However, accidents do happen, and today's chemicals are capable of spreading the impact of relatively small accidents to such an extent that they take on major proportions very quickly. That is why good, viable safety regulations are a helpful tool for the farmer, and not a detriment.

In the case of chemigation, the required safety equipment will help prevent accidents, while at the same time serving as a constant reminder that although the operator works around the chemicals regularly, he cannot take them for granted. The ongoing educational process will keep operators informed concerning new innovations in equipment and technique, and aware at all times, of the dangerous nature of the chemicals they use.

In the case of Senate Bill 331, we feel the registration of pesticide dealers is also a good step in insuring proper regulation within the chemical industry in Kansas.

Speaking for Kansas farmers, our support of these two bills amounts to recognition of the fact that these two areas of our industry can have dangerous side effects. We want the people of Kansas to know that we want to make sure we are doing everything we can to prevent potentially disastrous accidents from happening. These two bills will give the Department of Agriculture the tools to help us do a better job.

3/26/85

Attachment A

Kansas Department of Health and Environment
Hearing by House Agriculture and Small Business Committee

March 26, 1985

Testimony on S.B. 330 - Kansas Chemigation Safety Law

Presented by Don Snethen - Kansas Department of Health and Environment;
Bureau of Water Protection

The Kansas Department of Health and Environment is responsible for assuring the waters of the state are free from substances prejudicial to the health of any of the inhabitants of the state. We consider this bill to complement the mission of the Department of Health and Environment and support and encourage its enactment.

We believe this legislation will provide a positive means of obtaining a comprehensive inventory of chemigation systems, educating chemigators of potential hazards of the practice and the means to minimize these hazards, and ensuring that pollution control equipment is installed.

We have, over the past year, assisted the Weed and Pesticide Division in determining the need for this legislation and believe it is needed to assure protection of regional water supplies as well as the individual chemigator's water supply.

3/26/85
Attachment B



SIERRA CLUB

Kansas Chapter

Testimony on SB 330

Presented to the House Committee on Agriculture
and Small Business

March 26, 1985

My name is Malcolm Moore, and I represent the Kansas Chapter of the Sierra Club. We support SB 330 as an important step to protect our state's groundwater from accidental contamination. Prevention of groundwater pollution is always the best policy. Once groundwater becomes contaminated, it is difficult, if not impossible, to clean up.

This bill offers a prime opportunity for farmers and environmentalists to work together, to everyone's benefit. Chemigation safeguards will benefit farmers as much as anyone. If an accident occurs and a neighbor's well is polluted, most likely that neighbor will be another farmer.

We support this bill's provisions for anti-pollution devices and supervision, because they will help prevent accidents. However, we urge you to restore the language in Section 6 which requires farmers to pass a qualifying examination before they may chemigate.

The decision to use chemigation is a farmer's personal choice, but one which involves a public resource--groundwater. Ninety-five percent of the irrigators in a recent Board of Agriculture survey agreed that knowledge of chemigation hazards and safety procedures should be required.

The examination process is a reasonable way of ensuring that

3/26/85
Attachment C

farmers are familiar with this information, particularly as new technologies and methods are developed. We require anyone who wants to drive an automobile to pass an examination, because driving involves potential dangers to other people. Chemigation is no different.

Another danger which the bill should address is accidental poisonings. On a hot summer day, an ignorant passer-by or child might be tempted to drink or bathe in the sprinkler water. Such accidental poisonings are reported monthly in California. Requiring farmers to post their fields while chemigating would help prevent such mishaps, and ease the job of a farmer who must supervise several pivots at a time.

Finally, because this is a new program, we need information and feedback to tell us that our preventive efforts have been effective. A groundwater monitoring requirement--testing wells on an annual basis, for example--would provide a measure of that effectiveness. The limiting factor is the cost of testing the samples. We recommend that the Department of Health and Environment explore these costs and recommend the least expensive method.

Once again, we urge your support for this important legislation.

Note: The Kansas Natural Resource Council and Kansans for Safe Pest Control assisted in the preparation of this testimony.