

Approved March 3, 1988  
Date

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

The meeting was called to order by Representative Clifford Campbell at  
Chairperson

9:09 a.m./~~p.m.~~ on February 25, 1988 in room 423-S of the Capitol.

All members were present except: Representatives Apt and Goossen who were excused.

Committee staff present: Raney Gilliland, Legislative Research Department  
Norman Furse, Revisor of Statutes Office  
Marjorie Brownlee, Committee Secretary

Conferees appearing before the committee: Representative Marvin Smith  
Bill Cochran, Whiting, Kansas, operator of a  
fertilizer and chemical business  
Jon I. Flint, Administrator, Plant Health  
Division, Kansas State Board of Agriculture  
Chris Wilson, Director of Governmental Rela-  
tions of the Kansas Fertilizer and Chemi-  
cal Association.

The Committee held hearings on HB 2934, a bill which relates to the repack-  
aging of bulk pesticides.

Raney Gilliland, Legislative Research Department, was asked by Chairman  
Campbell to give a brief description of the content of the bill.

Representative Marvin Smith, as the sponsor of the bill, then spoke to the  
intent of the bill. (Attachment I)

Bill Cochran of Whiting, Kansas, was the next conferee. He operates a fer-  
tilizer and chemical business in that town. He discussed some of the prob-  
lems he and the people he deals with have regarding the federal requirements  
as they now stand. (Attachment II)

The Kansas State Board of Agriculture was represented by Jon I. Flint. He  
addressed the problems from their point of view. (Attachments III, IV, V,  
VI, VII, and VIII)

The last conferee was Chris Wilson, Director of Governmental Relations of  
the Kansas Fertilizer and Chemical Association. Their association supports  
the concept of HB 2934. (Attachment IX)

Chairman Campbell pronounced cessation of hearings on this bill.

The Chairman called for final action on HB 2934. Representative Eckert  
moved that HB 2934 be passed out of Committee favorably. The motion was  
seconded by Representative Sallee. The motion carried.

Final action was recommended on HB 2967. Representative Roenbaugh made the  
motion that HB 2967 be amended with regard to rotation of length of appoint-  
ments and appointees serving in their position until there is a new appoint-  
ment to that position. The motion was seconded by Representative Eckert.  
The motion passed.

Representative Crumbaker moved that HB 2967 be passed as amended. Representa-  
tive Freeman seconded the motion. The motion was passed by the Committee.

The meeting was adjourned by the Chairman at 9:48 a.m.

GUEST LIST

COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

DATE: 02-25-88

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Jim Jimmel	Topeka	KFCA
Chris Wilson	Topeka	KFCA
Dale Lambly	Topeka	KSBA
Jon Flint	Topeka	KSBA
Marvin C Smith	Topeka	
Bill Juller	Manhattan	KFB
Kenneth M. Wilke	Topeka	KSBA
Howard W. Lee	Hutchinson	KAW6
Julie Ardagan	Topeka	Ks Coop. Council
Roger Hamm	Pratt	

MARVIN E. SMITH  
REPRESENTATIVE, FIFTIETH DISTRICT,  
SHAWNEE AND JACKSON COUNTIES  
123 N E 82ND STREET  
TOPEKA, KANSAS 66617-2209



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
MEMBER EDUCATION  
TAXATION  
TRANSPORTATION

House Agriculture Committee  
HB 2934

February 25, 1988

Mr. Chairman and Members of the Committee:

Thank you for providing a hearing on HB 2934 today.

Last summer it was called to my attention that some of the requirements concerning sale of bulk pesticides from retailer to farmer user creates a problem. One of the economies today in agriculture is bulk and volume transaction. The trend of fewer farmers and thus fewer handlers of supplies, makes it appear we should have fewer rules, regulations, and/or controls affecting family size farms.

Our hope is that this bill might be a document or vehicle that might improve the problems that confront suppliers in repackaging some bulk chemicals.

After testimony from other conferees that are directly affected, I will be available for questions.

ATTACHMENT I

I appreciate you providing us a hearing on HB 2934. One of the present problems we have is with Federal Guidelines for selling to bulk users.

We find it is an economic disadvantage for the smaller farmer. Under current rules for the sale of bulk chemicals, a farmer must purchase at least 56 gallons. Some times he doesn't need that much. Therefore, his alternative is to pay a higher price because he is not allowed to purchase through the "bulk" way.

Yet a larger farmer after purchasing 56 gallon or more may return and buy less than 56 gallon. We conclude delivery of a small amount is okay in one situation, but not in another. Otherwise, it appears this is discrimination against the smaller farmer.

Allowing small farmers to purchase bulk chemicals in quantities less than 56 gallons would let them have the same advantages enjoyed by large farmers.

This method of handling chemicals by pump, etc., we believe is cleaner and safer. Most farmers prefer this method.

Also, we do have both small and large farmers as customers and realize the small farmers frustration in the above case.

Thanks for your kind consideration.

T E S T I M O N Y

HOUSE BILL NO. 2934

PRESENTED TO

HOUSE COMMITTEE ON AGRICULTURE & SMALL BUSINESS

by

Jon I. Flint, Administrator  
Plant Health Division  
Kansas State Board of Agriculture

February 25, 1988

ATTACHMENT III

TESTIMONY  
HOUSE BILL NO. 2934

BACKGROUND: Many ag chemical dealers are taking advantage of handling agricultural pesticides in bulk. They have adopted this practice because there is a price advantage to the agricultural producer and it eliminates the need to properly dispose of large numbers of containers. The dealer has also realized a reduction in labor and handling costs associated with the delivery of bulk product.

The United States Environmental Protection Agency has defined "Bulk Pesticide" as any amount greater than 55 gallons or 100 pounds dry. States (Kansas included) have also defined bulk pesticide within these same limits. Currently the Kansas bulk pesticide regulations only address non-mobile bulk pesticide storage. Kansas regulations do not address the sale of bulk pesticide into "mini-bulk" containers, other than to state that all containers must have the registered label attached, and the original definition of bulk, i.e. quantities greater than 55 gallons or 100 pounds dry, still applies to all levels of sales (distributor, retailer).

Under Federal requirements no bulk pesticide sales are to be made at less than 56 gallons or 101 pounds dry, with one exception being the sale of a lesser quantity to finish an application.

It should be noted that the state of South Dakota recently passed legislation stating that all bulk repackaging must be in metal portable tanks; only to have their regulation preempted by Federal Law [FIFRA, 24(b)]. FIFRA 24(b) provides that: a state shall not impose or continue in effect any requirements for labeling or packaging in addition to or different from those required under this Act (FIFRA).

Additional references are as follows:

1. KSBA policy
2. Federal Enforcement policy, Bulk Pesticides
3. Question/answer concerning bulk pesticides (Federal)
4. K.A.R. 4-13-25 Bulk Pesticide storage and handling, with federal references attached.

Recent EPA communication indicated they do not feel they are causing problems to smaller purchasers because the federal bulk policy was designed to allow selling of bulk pesticides without completing the entire federal product registration process.

Furthermore, EPA has indicated that group purchasing of bulk pesticides is permissible. Under EPA requirements the dealer is required to deliver to one individual but the pesticide can be billed to, and used by, any number of individuals.

Kansas State Board of Agriculture  
Plant Health Division  
Pesticide Registration Section

BULK PESTICIDE STORAGE REGULATIONS:

Policy #2. Selling and purchasing of less than 55 gallons or 100 pounds of dry amounts of bulk chemical.

This policy has been prepared in response to the following question: A user purchases a bulk pesticide in, say, a 110 gallon "pup" and finds that he needs another, lesser amount, to complete the job. Can the user purchase this lesser amount in the "pup" to complete the job, and can the pesticide dealer legally sell the lesser quantity into the larger bulk container?

The Kansas regulations do not address mobile bulk containers, therefore, federal regulations must be addressed. In checking with Kansas City, Kansas, Region VII EPA office, their policy is as follows:

It is allowable to sell and haul a lesser quantity bulk pesticide if the dealer maintains the following information:

1. The time frame between the original bulk purchase and the job completion follow-up purchase of the lesser amount of bulk pesticide must be within a reasonable period of time; and
2. The dealer must be able to tie these invoices together to show the sequence of need and purchase.

ATTACHMENT IV



10/84-95  
Rec'd from Reg. III  
2/12/88, JF

QUESTIONS CONCERNING BULK PESTICIDES

Question: What is "bulk pesticide?"

Answer: For purposes of the EPA bulk policy, "bulk" has been defined as any volume of pesticide greater than 55 gallons or 100 pounds held in an individual container.

Question: Why did EPA have to develop a bulk policy?

Answer: EPA developed a bulk policy to permit dealers to repackage and sell pesticides in bulk without having to register the repackaged product, PROVIDED the dealer met several conditions.

Question: What conditions must the dealers meet?

Answer: (1) register with EPA each of the repackaging sites owned or operated by him as a "pesticide-producing establishment;"  
(2) obtain written authorization from the product's registrant to repackage the pesticide and use the registered label;  
(3) place the dealer's EPA-assigned establishment number on the label provided to the end-user;  
*Not True* → (4) keep records as required by Section 8 of FIFRA (shipping and receiving, sales, etc.); and  
(5) report annually to EPA the types and amounts of pesticides produced (repackaged) by him. The EPA annual report is mailed to the dealer's headquarters office by certified mail, usually in late December.

{ Keep Sales Receipts Invoice

*not*  
1) Consum  
2) Batch Rec  
3) Shipp  
4) Dispos

Question: "Why does EPA say that I am a producer if all I do is transfer the pesticide from my bulk container to the minitank?"

Answer: The word "produce" has been defined by EPA as "...to manufacture, prepare, propagate, compound or process any pesticide...or to repackage or otherwise ~~change~~ the container..."

Question: Can the dealer sell 56 gallons of pesticide in a 55-gallon container?

Answer: No. This practice does not meet DOT requirements, and circumvents the Agency's intent in permitting repackaging of bulk pesticides.

Question: As a service to the customer, can the dealer dilute the pesticide according to label directions?

Answer: No. Any change to the pesticide formulation -- including the addition of water -- will require full product registration. A dealer who performs this service is subject to nonregistration charges and the imposition of civil penalties.

Question: If a dealer purchases a pesticide in bulk and uses all the pesticide through custom application work, must he register as a pesticide-producing establishment?

Answer: No. A custom applicator is exempt from the product and establishment registration requirements of the FIFRA.

Question: What if the dealer custom applies AND sells pesticides in bulk quantities for someone else to apply?

Answer: The dealer must register as a pesticide-producing establishment, but must report to EPA only for those pesticides which are repackaged in bulk.

Question: Who can grant authorization for a dealer to repackage in bulk?

Answer: ONLY the basic registrant of the pesticide can authorize a dealer to repackage its product and use its label. For example, only Monsanto can authorize use of the LASSO label, etc.

Question: What penalties are assessed for not complying with the bulk policy?

Answer: Penalties of up to \$5,000 can be assessed for failing to comply with any of the terms of the bulk policy, and for violating any other provisions of FIFRA.

## Enforcement Policy Bulk Pesticides

The sale and distribution of pesticides transferred to bulk containers and held for resale at a local elevator must meet the conditions outlined below. If the product fails to comply in any manner, the party responsible for the transfer of the material (the local retailer), is subject to the sanctions of Section 12(a)(1)(A) of FIFRA for sale and distribution of an unregistered pesticide. The product would probably be in violation of the Prohibited Acts 2-2203(a)(4), and Registration 2-2204(a), (b) and (c), and possibly other sections.

1. The "bulk" container must be larger than 55 gallons.
2. There must be no change to the pesticide formulation.
3. There must be no change to the products labeling (except as noted below).
4. There must be no change to the identity of the party accountable for the product's integrity.

Accountability is met when a pesticide:

- A. is transferred in bulk at an establishment owned by the registrant.
  - B. is transferred at a registered establishment under contract with the registrant.
  - C. is transferred at a registered establishment owned by a party not under contract to the product registrant, but who has been furnished written authorization for use of the product label by the registrant.
  - D. supplemental registrants' label is involved, the written authorization must still be supplied to all transfer points by the basic registrant
5. The Establishment where the product is transferred must be registered with EPA and the product label must show that establishment number (FIFRA Section 7).
  6. The seller must provide the required labeling at the time of sale. Net contents must appear on the label.

Additionally the following is required of any bulk holding tank, whether the product is held for use or only for sales.

- A. When any registered pesticide product is transported in a tank car, tank truck or other mobile or portable bulk container, a copy of

the accepted label must be attached to the shipping papers, and left with the cosigner at the time of delivery.

B. When pesticide products are stored in any bulk container that remains in the custody of the user, a copy of the labeling, including all appropriate directions for use, shall be securely attached to the container in the immediate vicinity of the discharge control valve.

(a) Definitions

- (1) Bulk pesticide means any nongaseous pesticide registered pursuant to the Kansas agricultural chemicals act which is held in a non-mobile storage container in undivided quantities of greater than 55 U.S. gallons liquid measure or 100 pounds dry weight.
- (2) Secondary containment facility means a structure which is constructed to confine any spilled or discharged pesticide within a specified area.
- (3) Rinsate means materials formed as the result of cleaning pesticide containers by using an appropriate solvent.
- (4) Site means the location of the bulk pesticide storage and handling facility.

(b) Each site shall comply with those ordinances and regulations enacted by the city or county affected by such location that relate to the location of such sites. In addition, each site shall comply with 40 C.F.R. 162.10(a)(4)(ii) and 40 C.F.R. 165.10 in effect on July 1, 1983.

(c) Each non-mobile bulk storage container facility shall be constructed with a means of secondary containment.

(1) Each secondary containment facility shall be constructed of materials that are of a sufficient thickness and density and of an appropriate composition which is sufficient to confine any discharged or spilled liquid or solid material. The materials used in the construction of the secondary containment facility shall be compatible with the pesticide to be stored and the conditions of storage.

(2) Each secondary containment facility for outside storage shall have a minimum capacity of not less than 110% of the capacity of the largest single container enclosed by the secondary containment facility. Suitable measures shall be used for containment of tanks stored under a roof or within other enclosures.

(3) All rinsate or spillage within a secondary containment facility shall be disposed of as required by the product's label and labeling. If the pesticide is classified as a hazardous waste, such rinsate or spillage shall be disposed of in a permitted hazardous waste facility according to existing state and federal regulations.

(d) To prevent ready access by unauthorized persons to the bulk containers when unattended, bulk storage containers and handling facilities shall be equipped with locking devices. The power supply used to operate the loading or unloading pump devices shall be controlled by a master switch located in locked building or safety box.

(e) Bulk pesticides shall be handled according to the manufacturer's label. Any provisions in the manufacturer's label or labeling regarding the following topics shall be strictly followed:

- (1) Materials used for construction of the bulk container;
- (2) Materials used in equipment for handling the pesticide; and
- (3) Methods used in cleaning bulk pesticide containers before refilling.

(f) Each bulk pesticide storage and handling facility constructed after the effective date of this regulation shall comply with this regulation prior to its use for storage of any pesticide.

(g) Each existing bulk pesticide storage and handling facility and each such facility presently under construction shall comply with this regulation on or before the third anniversary of the effective date of this regulation. On or before the first anniversary date of the effective date of this regulation, each owner or operator of such a bulk pesticide storage facility shall notify the agency of the location and size of the plant and of any proposed changes which are necessary to effect compliance.

(Authorized by K.S.A. 2-2467a; implementing K.S.A. 2-2467a; effective May 1, 1985.)

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Any questions regarding the above-quoted regulation should be addressed to:

KANSAS STATE BOARD OF AGRICULTURE  
DIVISION OF PLANT HEALTH  
109 S.W. 9th  
Topeka, Kansas 66612-1280  
Phone: (913) 296-2263

## § 162.10 Labeling requirements.

(a) *General*—(1) *Contents of the label.* Every pesticide products shall bear a label containing the information specified by the Act and the regulations in this Part. The contents of a label must show clearly and prominently the following:

(i) The name, brand, or trademark under which the product is sold as prescribed in paragraph (b) of this section;

(ii) The name and address of the producer, registrant, or person for whom produced as prescribed in paragraph (c) of this section;

(iii) The net contents as prescribed in paragraph (d) of this section;

(iv) The product registration number as prescribed in paragraph (e) of this section;

(v) The producing establishment number as prescribed in paragraph (f) of this section;

(vi) An ingredient statement as prescribed in paragraph (g) of this section;

(vii) Warning or precautionary statements as prescribed in paragraph (h) of this section;

(viii) The directions for use as prescribed in paragraph (i) of this section; and

(ix) The use classification(s) as prescribed in paragraph (j) of this section.

(2) *Prominence and legibility.* (i) All words, statements, graphic representations, designs or other information required on the labeling by the Act or the regulations in this part must be clearly legible to a person with normal vision, and must be placed with such conspicuousness (as compared with other words, statements, designs, or graphic matter on the labeling) and expressed in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(ii) All required label text must:

(A) Be set in 6-point or larger type;

(B) Appear on a clear contrasting background; and

(C) Not be obscured or crowded.

(3) *Language to be used.* All required label or labeling text shall appear in the English language. However, the Agency may require or the applicant may propose additional text in other languages as is considered necessary to protect the public. When additional text in another language is necessary, all labeling requirements will be applied equally to both the English and other-language versions of the labeling.

(4) *Placement of Label*—(i) *General.* The label shall appear on or be securely attached to the immediate container of the pesticide product. For purposes of this Section, and the misbranding provisions of the Act, "securely attached" shall mean that a label can reasonably be expected to remain affixed during the foreseeable conditions and period of use. If the immediate container is enclosed within a wrapper or outside container through which the label cannot be clearly read, the label must also be securely attached to such outside wrapper or container, if it is a part of the package as customarily distributed or sold.

(ii) *Tank cars and other bulk containers*—(A) *Transportation.* While a pesticide product is in transit, the appropriate provisions of 49 CFR Parts 170-189, concerning the transportation of hazardous materials, and specifically those provisions concerning the labeling, marking and placarding of hazardous materials and the vehicles carrying them, define the basic Federal requirements. In addition, when any registered pesticide product is transported in a tank car, tank truck or other mobile or portable bulk container, a copy of the accepted label must be attached to the shipping papers, and left with the consignee at the time of delivery.

§ 165.10 Recommended procedures and criteria for storage of pesticides and pesticide containers.

(a) *General.* (1) Pesticides and excess pesticides and their containers whose uncontrolled release into the environment would cause unreasonable adverse effects on the environment should be stored only in facilities where due regard has been given to the hazardous nature of the pesticide, site selection, protective enclosures, and operating procedures, and where adequate measures are taken to assure personal safety, accident prevention, and detection of potential environmental damages. These storage procedures and criteria should be observed at sites and facilities where pesticides and excess pesticides (and their containers) that are classed as highly toxic or moderately toxic and are required to bear the signal words DANGER, POISON, or WARNING, or the skull and crossbones symbol on the label are stored. These procedures and criteria are not necessary at facilities where most pesticides registered for use in the home and garden, or pesticides classed as slightly toxic (word CAUTION on the label) are stored. All facilities where pesticides which are or may in the future be covered by an experimental use permit or other special permit are stored should be in conformance with these procedures and criteria.

(2) Temporary storage of highly toxic or moderately toxic pesticides for the period immediately prior to, and of the quantity required for a single application, may be undertaken by the user at isolated sites and facilities where flooding is unlikely, where provisions are made to prevent unauthorized entry, and where separation from water systems and buildings is sufficient to prevent contamination by runoff, percolation, or wind-blown particles or vapors.

(b) *Storage sites.* Storage sites should be selected with due regard to the amount, toxicity, and environmental hazard of pesticides, and the number and sizes of containers to be handled. When practicable, sites should be located where flooding is unlikely and where soil texture/structure and geologic/hydrologic characteristics will prevent the contamination of any water system by runoff or percolation. Where warranted, drainage from the site should be contained (by natural or artificial barriers or dikes), monitored, and if contaminated, disposed of as an excess pesticide as discussed in § 165.8. Consideration should also be given to containing windblown pesticide dusts or particles.

(c) *Storage facilities.* Pesticides should be stored in a dry, well ventilated, separate room, building or covered area where fire protection is provided. Where relevant and practicable, the following precautions should be taken:

(1) The entire storage facility should be secured by a climb-proof fence, and doors and gates should be kept locked to prevent unauthorized entry.

(2) Identification signs should be placed on rooms, buildings, and fences to advise of the contents and warn of their hazardous nature, in accordance with suggestions given in paragraph (g)(1)(i) of this section.

(3) All items of movable equipment used for handling pesticides at the storage site which might be used for other purposes should be labeled "contaminated with pesticides" and should not be removed from the site unless thoroughly decontaminated.

(4) Provision should be made for decontamination of personnel and equipment such as delivery trucks, tarpaulin covers, etc. Where feasible, a wash basin, and shower with a delayed-closing pull chain valve should be provided. All contaminated water should be disposed of as an excess pesticide. Where required, decontamination area should be paved or lined with impervious materials, and should include gutters. Contaminated runoff should be collected, and treated as an excess pesticide.

(d) *Operational procedures.* Pesticide containers should be stored with the label plainly visible. If containers are not in good condition when received, the contents should be placed in a suitable container and properly relabeled. If dry excess pesticides are received in paper bags that are damaged, the bag and the contents should be placed in a sound container that can be sealed. Metal or rigid plastic containers should be checked carefully to insure that the lids and bungs are tight. Where relevant and practicable, the following provisions should be considered:

(i) *Classification and separation.* (i) Each pesticide formulation should be segregated and stored under a sign containing the name of the formulation. Rigid containers should be stored in an upright position and all containers should be stored off the ground, in an orderly way, so as to permit ready access and inspection. They should be accumulated in rows or units so that all labels are visible, and with lanes to provide effective access. A complete inventory should be maintained indicating the number and identity of containers in each storage unit.

(ii) Excess pesticides and containers should be further segregated according to the method of disposal to ensure that entire shipments of the same class of pesticides are disposed of properly, and that accidental mixing of containers of different categories does not occur during the removal operation.

(2) *Container inspection and maintenance.* Containers should be checked regularly for corrosion and leaks. If such is found, the container should be transferred to a sound, suitable, larger container and be properly labeled. Ma-

materials such as adsorptive clay, hydrated lime, and sodium hypochlorite should be kept on hand for use as appropriate for the emergency treatment or detoxification of spills or leaks. (Specific information relating to other spill treatment procedures and materials will be published as it is confirmed.)

(e) *Safety precautions.* In addition to precautions specified on the label and in the labeling, rules for personal safety and accident prevention similar to those listed below should be available in areas where personnel congregate:

(1) *Accident prevention measures.* (i) Inspect all containers of pesticides for leaks before handling them.

(ii) Do not mishandle containers and thereby create emergencies by carelessness.

(iii) Do not permit unauthorized persons in the storage area.

(iv) Do not store pesticides next to food or feed or other articles intended for consumption by humans or animals.

(v) Inspect all vehicles prior to departure, and treat those found to be contaminated.

(2) *Safety measures.* (i) Do not store food, beverages, tobacco, eating utensils, or smoking equipment in the storage or loading areas.

(ii) Do not drink, eat food, smoke, or use tobacco in areas where pesticides are present.

(iii) Wear rubber gloves while handling containers of pesticides.

(iv) Do not put fingers in mouth or rub eyes while working.

(v) Wash hands before eating, smoking, or using toilet and immediately after loading, or transferring pesticides.

(vi) Persons working regularly with organophosphate and N-alkyl carbamate pesticides should have periodic physical examinations, including cholinesterase tests.

(f) *Protective clothing and respirators.* (1) When handling pesticides which are in concentrated form, protective clothing should be worn. Contaminated garments should be removed immediately, and extra sets of clean clothing should be maintained nearby.

(2) Particular care should be taken when handling certain pesticides to protect against absorption through skin, and inhalation of fumes. Respirators or gas masks with proper canisters approved for the particular type of exposure noted in the label directions, should be used when such pesticides are handled.

(g) *Fire control.* (1) Where large quantities of pesticides are stored, or where conditions may otherwise warrant, the owner of stored pesticides

should inform the local fire department, hospitals, public health officials, and police department in writing of the hazards that such pesticides may present in the event of a fire. A floor plan of the storage area indicating where different pesticide classifications are regularly stored should be provided to the fire department. The fire chief should be furnished with the home telephone numbers of (i) the person(s) responsible for the pesticide storage facility, (ii) the appropriate Regional Administrator, who can summon the appropriate Agency emergency response team, (iii) the U.S. Coast Guard, and (iv) the Pesticide Safety Team Network of the National Agricultural Chemicals Association.

(2) *Suggestions for Fire Hazard Abatement.* (i) Where applicable, plainly label the outside of each storage area with "DANGER," "POISON," "PESTICIDE STORAGE" signs. Consult with the local fire department, regarding the use of the current hazard signal system of the National Fire Protection Association.

(ii) Post a list on the outside of the storage area of the types of chemicals stored therein. The list should be updated to reflect changes in types stored.

(3) *Suggested Fire Fighting Precautions.* (i) Wear air-supplied breathing apparatus and rubber clothing.

(ii) Avoid breathing or otherwise contacting toxic smoke and fumes.

(iii) Wash completely as soon as possible after encountering smoke and fumes.

(iv) Contain the water used in fire fighting within the storage site drainage system.

(v) Fireman should take cholinesterase tests after fighting a fire involving organophosphate or N-alkyl carbamate pesticides, if they have been heavily exposed to the smoke. Baseline cholinesterase tests should be part of the regular physical examination for such firemen.

(vi) Evacuate persons near such fires who may come in contact with smoke or fumes or contaminated surfaces.

(h) *Monitoring.* An environmental monitoring system should be considered in the vicinity of storage facilities. Samples from the surrounding ground and surface water, wildlife, and plant environment, as appropriate, should be tested in a regular program to assure minimal environmental insult. Analyses should be performed according to "Official Methods of the Association of Official Analytical Chemists (AOAC)," and such other methods and procedures as may be suitable.





# KANSAS FERTILIZER AND CHEMICAL ASSOCIATION, INC.

Phone 913 234-0463

816 S.W. Tyler St., Topeka, KS 66612

[Mailing Address] P.O. Box 1517, Topeka, KS 66601-1517

STATEMENT OF THE KANSAS FERTILIZER AND CHEMICAL ASSOCIATION

TO THE HOUSE AGRICULTURE AND SMALL BUSINESS COMMITTEE

REPRESENTATIVE CLIFFORD CAMPBELL, CHAIRMAN

REGARDING H.B. 2934

FEBRUARY 25, 1988

Mr. Chairman and Members of the Committee, I am Chris Wilson, Director of Governmental Relations of the Kansas Fertilizer and Chemical Association (KFCA). KFCA is a trade and professional association of approximately 450 members, representing agricultural chemical and fertilizer companies in Kansas.

Our Association supports the concept of H.B. 2934, which is to allow farmers to purchase chemicals at bulk prices without requiring that bulk purchases be delivered in at least 56 gallon quantities. Many dealers would be able to sell chemicals in bulk to producers in quantities less than 56 gallons, if that were permitted. While there is presently not much difference in price between bulk and packaged chemicals, this would offer a potential savings for farmers. It would also have a positive benefit for the environment. Dealers would be able to deliver, for example, 40 gallons of a chemical in a 110-gallon tank, as opposed to 8 5-gallon or 16 2 1/2-gallon containers, which have to be disposed of in the environment. We realize that this requirement is a federal one and we would appreciate whatever expression of support the Legislature might be able to offer for changing this requirement. Thank you for the opportunity to offer comments on this legislation.

ATTACHMENT IX