

MINUTES OF THE Senate COMMITTEE ON Agriculture

The meeting was called to order by Vice-Chairman, Senator Montgomery at
Chairperson

10:09 a.m./~~p.m.~~ on February 14, 1990 in room 423-S of the Capitol.

All members were present except: Senator Allen (excused)
Senator McClure (excused)

Committee staff present: Raney Gilliland, Legislative Research Department
Jill Wolters, Revisor of Statutes Department

Conferees appearing before the committee: Sam Brownback, Secretary, State Board of
Agriculture
Dale Lambley, Director, Plant Health Division
State Board of Agriculture
Francis Kastner, Director, Governmental Affairs
Kansas Food Dealers' Association

Vice-Chairman, Senator Montgomery called the Committee to order and called on Sam Brownback to review issues from the State Board of Agriculture.

Mr. Brownback gave copies of his information to the Committee (attachment 1) and then highlighted issues of the 1980s pertaining to agriculture such as the Hay and Forage Hotline, the Kansas Value Added Processing Center, new plastic products made of grains starch, formation of the group known as Kansas Agricultural Leadership, Inc., and the new crop for Kansas, Canola. Mr. Brownback explained some of the information with projected overhead graphs and charts. Mr. Brownback stated that agriculture must look to the future of the 1990s with flexibility, and with a tolerance for new ideas.

During Committee comments, Mr. Brownback answered that the cost to attend the Agricultural Leadership program would be about \$2,000, to include an overseas trip and a trip to Washington, D.C., and that it would require about 50 to 60 days during a two year period of time. One Committee member commented that that was too expensive and required too many days. Mr. Brownback requested any suggestions on how to complete such a program with less money and time. Mr. Brownback answered that now the FACTS Program receives less calls but that they are more intense calls such as problems related to a second bankruptcy. Mr. Brownback stated that the needs of a FACTS Program will depend on the condition of the agricultural economy. Mr. Brownback answered that he knew of no information available that would show how much tax agriculture pays in relation to how much tax industry pays.

The Vice-Chairman turned Committee attention to SB 507 and then the following to testify.

Dale Lambley gave the Committee copies of his testimony (attachment 2) and expressed support for SB 507. Mr. Lambley requested two amendments for SB 507. One amendment would allow for the increase in the registration fee for a governmental agency from \$35 to not to exceed \$60. The second amendment removes the exemption for registration of those who sell general use pesticides. Mr. Lambley expressed the need for a listing of all who sell any kind of pesticide in order to be able to notify all pesticide dealers when a change in state or federal regulations occur or at a time when EPA action would require a label change or a stop sale of a product. Mr. Lambley requested that the Committee give serious consideration of SB 507.

Francis Kastner provided the Committee with copies of her testimony (attachment 3) and spoke in opposition of SB 507. Ms. Kastner expressed a concern about the removal of the exemption for those who sell general use pesticides from being registered because then those who sell general use

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Agriculture,
room 423-S, Statehouse, at 10:09 a.m./~~p.m.~~ on February 14, 1990.

pesticides would be required to follow regulations required of those who sell restricted pesticides. Ms. Kastner stated that lists of those selling general use pesticides should be available through other state agencies such as through sales tax registration. Ms. Kastner stated that she felt the public was adequately protected by present law and that the request to register all general use pesticide dealers was planned as a way to make money. Ms. Kastner requested the Committee recommend that SB 507 not be passed.

The Vice-Chairman requested staff to rewrite and make a balloon draft for SB 507 to better clarify that general use pesticide dealers will not be required to be registered with the same requirements as restricted pesticide dealers. The Vice-Chairman declared the hearing closed for SB 507 and stated that action would be taken later and then called for action on Committee minutes.

Senator Sallee made a motion the Committee minutes of February 7 be approved. Senator Frahm seconded the motion. Motion carried.

The Vice-Chairman adjourned the Committee at 10:59 a.m.

Statement on Kansas Agriculture

by

Sam Brownback, Secretary
Kansas State Board of Agriculture

to the

Senate Agriculture Committee

February 14, 1990

Senate Agriculture Committee

2-14-90

attachment 1

The highlight of Kansas agriculture in 1989 was a low point - - the drought. That drought continued from 1988 into and through 1989. Even today it persists in some parts of the state. As if the drought wasn't enough trouble for the wheat crop, a warmer-than-normal January caused some wheat stands to break dormancy. Then a sub-zero Arctic blast hit in early February on a crop with no snow cover. That was followed by dust storms in March, and one of the driest Aprils on record. It just about did in the wheat. To add insult to injury, moderate to heavy rains in May caused unusually severe weed problems and delayed the start of harvest. It's a testimony to the resilience of wheat that it made any crop at all, given these disastrous conditions. The Kansas wheat crop in 1989 totaled only 213.6 million bushels. That was the lowest production since 1966 with an average crop yield of 24 bushels per acre, 10 bushels below 1988 and the lowest yield since 1967. Some 3.5 million acres of wheat were abandoned in Kansas in 1989. That amounted to 28% of the seeded crop and represented the highest percentage of abandonment since 1951. It was little surprise that in 1989 we lost the title of being the "Wheat State."

But wheat was not the only agricultural enterprise affected by drought. Pasture conditions deteriorated in the dry weather. Stock water levels were dangerously low and the cow herds of Kansas started moving. They went to available rental pasture, neighboring states and to the sale barn. The Kansas State Board of Agriculture, along with Kansas State University and the Kansas Farm Bureau, created a Hay and Forage Hotline. That toll-free line was swamped during the first half of the year with people calling for hay, forage and pasture. At one point, pasture listed for rent on the hot-line had a "life expectancy" of less than 30 minutes before a desperate farmer or rancher would rent it, frequently sight unseen.

Kansas State University estimated that the drought of 1989 would cost Kansas agriculture and associated industries \$1.61 billion. The impact of the drought of 1989 will continue to be felt during 1990 and beyond.

But all was not gloom and doom in Kansas agriculture for 1989. Several very positive trends emerged as well.

The Kansas Value Added Processing Center opened its doors as a resource center and commercialization unit to help Kansas do more value added agricultural processing. With its Director, Dr. Richard Hahn, we are off to a good start in building on what Kansas does best - agriculture.

Kansas also improved as an agricultural exporting state. In 1989 we moved from 6th to 4th as a state in the total value of our agricultural exports. We exported over \$2.3 billion worth of agricultural goods and led the nation in all categories associated with exports of wheat, wheat products and animal processed products. This trend bodes well for the future of Kansas but also makes us susceptible to the capriciousness of the international marketplace. Such is life in the global market.

That global market became very obvious to Kansas during this past year when 13 head of Kansas purebred bulls were exported for show and sale to Chihuahua, Mexico. This project, cosponsored by the Kansas State Board of Agriculture, Kansas Livestock Association and the International Livestock and Meat Program, was a glowing success and has resulted in several groups of Mexican cattlemen coming to Kansas to purchase more purebred cattle.

Likewise, a Korean meat buying mission stopped in the state to purchase several million dollars worth of meat products. Due to recent openings for meat exports to the Asian marketplace, demand has increased rapidly for meat products from the US to Japan and South Korea.

A trend that continues to gather steam and support is one of broadening the marketplace for agricultural products. The State Board of Agriculture, has been heavily involved in pushing new, industrial uses of agricultural commodities. The Board has had a task force on the topic which reported to the 1989 Annual Meeting. We cosponsored a four-state conference in Kansas City and now are involved in a national conference cosponsored by more than twenty organizations to bring industrial uses to the forefront of agricultural policy and commercialization activity. We agree with a statement made by Edward Schone of MIT that, "The new idea either finds a champion or dies . . . no ordinary involvement with a new idea provides the energy required to cope with the indifference and resistance that major technological change provokes . . ." This area will require strong champions to come forward to make these new uses realities. Some of these new uses, such as soybean ink, ethanol fuel, and degradable plastics, have established a beachhead in the marketplace and will hopefully grow and prosper for the benefit of all agriculture.

A new crop came on the scene to Kansas agriculture in 1989. It is canola, a type of rapeseed that produces a very healthy oil presently desirable in the consumer marketplace. A change occurred in farm legislation allowing the planting of canola on base acres and a major grain company stepped forward offering to buy canola produced in Kansas. This caused several organizations to cosponsor meetings across the state about this new crop. It is uncertain how many acres have actually been planted but best guesses put it somewhere between 1,000 - 2,000 acres. Another relative new comer, white wheat, was grown and marketed in the state last year as well. As with anything new, it will be tough going, for these new crops but if they can get established to the benefit of the Kansas farmer it will be as Thomas Jefferson stated, "The greatest service which can be rendered any country is to add a useful plant to its culture; especially a bread grain; next in value to bread is oil."

And finally, a group pulled together to form Kansas Agricultural Leadership, Inc. a not-for-profit corporation designed to foster and develop agricultural leadership in Kansas. This program is modeled after programs existing in more than 20 states. Activities of this type must succeed if agriculture is to have the quality of leadership it needs to lead it into tomorrow. Farmers will, in all probability, continue to be a smaller and smaller percentage of the total population, thus it is imperative that we have high quality leadership pulling us together and articulating our opinions to a frequently disinterested public.

We are in a new decade, but before we leave the 80's, I think it fitting to ask how were they to Kansas agriculture? Each of us would have to respond individually to that question as no single simple answer could address how it was to all of us. I have some statistics on the 80's that suggest trends that developed during the decade. I will share those with you although they should perhaps be viewed as being used the same way a drunk uses a lamppost - more for support than illumination. I am aware that some people have problems with statistics and would agree with Benjamin Disraeli, the famous British politician

who once said, there are three kinds of lies; lies, damn lies and statistics. So take these for what they are worth.

One very important agricultural statistic changed wildly during the 80's and that was net farm income. We started the decade with a negative net farm income and during the same decade saw the highest net farm income in the history of Kansas agriculture.

During the decade our farm debt-to-asset ratios peaked in 1985 when we had 27 cents of debt for every dollar of assets and have since declined through to the end of the decade. This was due to a combination of farmers prudently reducing their debt, and their asset values appreciating during the last half of the decade.

Our mix of income from various agricultural operations changed during the decade. We started out getting roughly 40% of our cash receipts from the major commodity crops of wheat, sorghum, corn and soybeans and 55% from cattle and hogs. We ended up getting roughly 32% of our cash receipts from those same major grain commodities and over 60% from cattle and hogs, with the heavy preponderance of that in cattle. Indeed, in 1988 almost 58% of our cash receipts came from one agricultural enterprise, - - cattle. The big decline area in recent years has been the percent of cash receipts from wheat, declining to 16% in 1988. It started out the decade at 24.6%.

We increased our off-farm income in agriculture with it now accounting for over 15% of total farm income. The percentage of income coming from government payments increased during the decade but declined at the end. In 1988 we received 9% of our total farm income in the form of government payments.

The number of farms in Kansas held steady during the early part of the decade and then resumed falling. Over the period 1950 - 1989, the number of farms in Kansas has steadily declined.

The total acreage farmed remained roughly the same, thus the average size of farms during the decade increased and from the period 1950 - 1989, increased substantially. We end the decade with 69,000 farms and an average farm size of 694 acres.

And our share of the food dollar continued to erode as consumers demanded more and more processed products. In 1980 we received 37 cents of every food dollar. In 1987 we received 30 cents of every food dollar.

This is generally the condition of Kansas agriculture today. I would be happy to respond to questions.

T E S T I M O N Y

Senate Bill 507

PRESENTED TO

SENATE COMMITTEE ON AGRICULTURE

by

Dale Lambley, Director
Kansas State Board of Agriculture
Plant Health Division

February, 1990

Senate Agriculture Committee

2-14-90

attachment 2

Senate Bill 507

Senate Bill 507 contains two proposed amendments to the Kansas Pesticide Law. The bill was submitted by request of the Kansas State Board of Agriculture and arises from recommendations initially made by a special committee of the Board. I have been asked to present testimony in behalf of the Board this morning since the Plant Health Division is the division responsible for immediate administration of the pesticide law. Also, the Board felt that some of the questions you might have could be quite technical in nature. The issues concerning pesticides, pesticide use, and pesticide hazards have become quite complex. There are more than 8,000 different pesticide products registered for use in Kansas. That a vast array of businesses sell them further complicates the matter.

Senate Bill 507 seeks to amend the current Kansas Pesticide Law in two specific areas. Since the proposed amendments address two quite different portions of the law, I thought for purposes of clarity this morning, that it would be best to address each separately.

First, I would like to draw your attention to page 2, line 43. Plainly, this is an agency request for a fee increase. This fee is assessed for registration of governmental agencies using pesticides. Under the law, governmental agencies which apply pesticides on property other than that which they own or lease are required to register. The current registration fee is \$35/year. There are annually approximately 167 registrants, the majority of which are counties doing noxious weed control and cities which conduct community wide mosquito fogging programs. In addition, some municipalities register and make use of the applicator certification program on a voluntary basis.

The current fee for government agency registration has been at \$35 since 1982. A recent study of the agency's fees indicated that the total cost to the agency for issuing government agency registrations exceeded the fees collected.

Also, agency costs are increasing each year. The requested fee increase would make this program self-supporting.

Next, I would like to draw your attention to page 4, lines 9 and 10. This is the second of the amendments proposed by the Board.

Presently, the Kansas Pesticide Law requires all pesticide dealers to be registered except those which sell "general-use pesticides for household use only." The annual registration costs \$15. The Board proposal would amend the law to include business' which sell "general-use pesticides labeled for household use only" under the registration program. The exemption given these businesses would be dropped.

Dealer registration requirements were added to the Kansas Pesticide Law by the 1985 Legislature and revisited during 1986 session. Registration provides the agency with a means to notify dealers about important changes in both state and federal pesticide regulations and to keep them informed of recent actions by the U.S. Environmental Protection Agency concerning certain pesticide products which they may be selling. Such EPA actions often involve required label changes and sometimes the cancellation or suspension of products including household use products. Important information may be relayed from EPA to the pesticide manufacturer but often does not reach the dealer. Including dealers of household use products in the pesticide dealer registration requirement will provide the agency with a means for notifying dealers about current EPA actions. Such information may prevent them from committing violations which may result in federal civil penalties. The \$15 fee is to defray costs of the program.

Examples of "Household use" pesticides which are commonly sold by currently exempt dealers include:

rodent baits

disinfectants (including bathroom/tub & tile cleaners)

insect repellants

pet products

ant baits

chlorine products

outdoor paints/stains with wood preservatives

There are a number of different types of businesses that would be affected by the proposed amendment. Grocery stores represent the largest group of pesticide dealers who have many of their group currently exempt from pesticide registration. Other types of businesses which have often remained exempt under the household use provisions are lumber yards, swimming pool suppliers, pet suppliers, paint stores and lumberyards. There are also a number of drug stores and some outdoor sporting supply businesses which would be impacted.

There have been a number of recent events which led to proposal of the current amendment. In the first place it is my understanding that the "household use product" exemption was adopted basically because no one considered these types of products particularly hazardous. Also, there was a general desire to spare those businesses from the extra paperwork of registration.

You will recall that when the pesticide registration requirement was initially enacted, the U.S. Environmental Protection Agency's primary thrust was toward restricted use pesticides and agricultural concentrates. The Board's concern is that we have seen a number of federal actions in recent times against general use household products. During the last 2 years, we have been through recalls of flea collars which killed cats, exploding pesticide containers, household ant baits which contained sodium arsenate, benlate flower and garden dust which was contaminated with atrazine herbicide and a variety of similar problems relating to household use products. Most recently we have received notice from EPA indicating that all vendors handling PMA paints should be warned as to potential hazards of use of

these products. PMA is a mercury compound which is added to paint as a fungicide in the control of mold in in-door latex paints. The Center for Disease Control is presently performing indoor air tests and certain medical tests on families whose homes were recently painted with PMA-containing paints. There has been one recent case of mercury poisoning of a child in Michigan whose parents repainted the interior of their home. We also know that EPA is making an active assessment of fungicides and disinfectants (including chlorine) which are common household products. In short, the Board simply felt that the subject should be brought back to the legislature for review. We would appreciate your serious consideration of this bill.

al. 1-3
1-90



Kansas Food Dealers' Association, Inc.

2809 WEST 47th STREET SHAWNEE MISSION, KANSAS 66205

PHONE: (913) 384-3838

FAX: (913) 384-3868

February 14, 1990

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DIRECTOR OF GOVERNMENTAL AFFAIRS

FRANCES KASTNER

SENATE AGRICULTURE COMMITTEE

OPPOSING SB 507

The Kansas Food Dealers Association represents manufacturers, wholesalers, and retailers of food products throughout the state. We do NOT consider ourselves PESTICIDE DEALERS.

However, SB 507, section 2, page 4, lines 9 and 10, strikes out the language pertaining to "the sale of general use pesticides purchased for household use only". This in effect includes our membership as pesticide dealers, and thereby required to register with the State Board of Agriculture, pay an annual \$15 registration fee, and, we assume comply with all the other requirements of a bonafide pesticide dealers.

For your information, we have attached page 622 from the April 17, 1986 KANSAS REGISTER spelling out the requirements for recordkeeping by a PESTICIDE DEALER. As we interpret SB 507, by striking out the language on page 4, on lines 9 and 10, the distinction between "general use" and "restricted use" would be eliminated, thus subject our members, or anyone else selling household use pesticides, to the requirements of recordkeeping currently followed by those selling "restricted use" pesticides.

Those of you who were in this Committee during the 1986 session will no doubt recall the problem we had with this topic during that session since we believed it was not legislative intent to classify our members as pesticide dealers. Following your conviction, you introduced SB 687, and amended the same to make it perfectly clear that only pesticide dealers selling RESTRICTED USE PESTICIDES would be required to register with the State Board of Agriculture.

As the bill worked its way through the Legislative maze, it was amended into SB 547 which dealt with plant pests and pesticides. Ultimately SB 547 was vetoed by Governor Carlin.

EXECUTIVE DIRECTOR
JIM SHEEHAN
Shawnee Mission

*Senate Agriculture Committee
2-14-90
attachment 3*

We regret that it is necessary to occupy your time with this topic again during this session, but our position has NOT changed from 1986.

We DO NOT consider ourselves PESTICIDE DEALERS since we only sell products that come in sealed containers, have not modified or added anything to the product, the instructions are clearly written on the container, and we have had nothing to do with the product other than placing the can on the shelf.

In trying to determine the reason for the request of this bill, we were informed it was to "provide a tracking system" for retailers of all types of pesticides, including the aerosol cans typically found in our stores.

IF indeed that is the reason, we believe there is an adequate tracking system in place through several state agencies. Everyone SELLING ANY KIND OF HOUSEHOLD PESTICIDE HAS A SALES TAX NUMBER -- and the Department of Agriculture could surely obtain a mailing list through the Revenue Department.

In the case of our grocery stores, we are inspected by the Department of Health and Environment, and anytime the Department of Agriculture needs a listing of grocery stores, I would hope that information would be shared by Health and Environment.

I have attached an inspection report that is used when the Department of Health and Environment inspects ALL food establishments and you will note item # 41 near the bottom of the page entitled "Necessary toxic items properly stored, labeled, used".

I am also attaching a copy of pages 42 and 43 taken from the Department of Health and Environment's booklet on Retail Food Store regulations giving the interpretation of their requirements for item #41 on the inspection sheet, and which deals with toxic material stored or displayed for retail sale.

We believe there is adequate protection to the public under our current laws. If there is a need for the Department of Agriculture to contact us, we have given at least two ways for them to obtain a list of the retailers in Kansas.

Our feeling is that the \$15 annual fee to register all retailers selling general use pesticides is a money-making proposition since information shared with this committee in 1986 indicated about 9,000 retailers would be paying the \$15 annual fee, resulting in a \$135,000 annual cost to the Kansas businesses which we believe is unnecessary. We ask that you NOT consider SB 507 favorable for passage.

We appreciate the opportunity of sharing our views with you.

Frances Kastner
Frances Kastner, Director
Governmental Affairs, KFPA

(f) No person shall operate any reactor unit that does not comply with these regulations.

(g) Safety equipment. Each reactor unit shall have on hand the following equipment for emergency and rescue purposes:

- (1) an approved, full-face type gas mask with ammonia canisters;
- (2) a container or hydrant of clean water of sufficient size to immerse or cleanse an individual's body;
- (3) one pair of gloves made of rubber or other suitable protective material;
- (4) one pair of suitable rubber or plastic boots;
- (5) one suitable rubber or plastic slicker or suitable rubber or plastic pants and jacket; and
- (6) flexible, fitted, splash proof goggles or full-face shield. (Authorized by and implementing K.S.A. 2-1212; effective May 1, 1986.)

Article 13.—PESTICIDES

4-13-30. Dealer recordkeeping requirements. (a) Each pesticide dealer shall maintain records regarding sales of restricted use pesticide products. These records shall be made available during reasonable business hours to the secretary or the secretary's authorized representative for purposes of inspection and copying. Each record shall be kept for a minimum of two years after the date of the sale.

(b) The records shall contain the following information:

(1) The name and address of the residence or principal place of business of each person to whom the restricted use pesticide product has been sold;

(2) The name and address of the residence or principal place of business of the individual to whom the restricted use pesticide product has been delivered or made available if different from the purchaser;

(3) The certification number of applicator's certificate;

(4) The name of the state issuing the certificate;

(5) The expiration date of the certificate;

(6) If the applicator is a certified commercial applicator of pesticides, the categories and subcategories, if applicable, in which the applicator is certified;

(7) The registered name of the restricted use pesticide product, its EPA registration number and the state special local need registration number, if any;

(8) The quantity of the restricted use pesticide product sold; and

(9) The date of the transaction.

(c) If the pesticide dealer makes a restricted use pesticide product available to an uncertified person for use by a certified applicator, the following additional records shall be kept:

(1) The name and address of the residence or principal place of business of the uncertified person to whom the restricted use pesticide product has been made available; and

(2) The name and address of the residence or principal place of business of the certified applicator who will use the restricted use pesticide product.

(d) For the purpose of this regulation, general use pesticide products sold for household application or

use shall only include those general use pesticide products which are labeled only for application or use to control pests on or inside the house or residence.

(e) Each pesticide dealer shall submit an annual report for each restricted use pesticide product sold. The report shall include:

(1) the registered name of the restricted use pesticide product, its EPA registration number and the state special local need registration number, if any; and

(2) the quantity sold of the restricted use pesticide product. (Authorized by K.S.A. 2-2467a; implementing L. 1985, Ch. 12; section 2; effective, T-86-27, Aug. 19, 1985; effective May 1, 1986.)

4-13-31. Certificates of registration. Each pesticide dealer shall display that dealer's current certificate of registration in a prominent location which can be seen by the general public. (Authorized by K.S.A. 2-2467a; implementing L. 1985, Ch. 12; section 2; effective, T-86-27, Aug. 19, 1985; effective May 1, 1986.)

4-13-32. Report of address change by pesticide dealers. Each pesticide dealer shall notify the secretary of any change in its business address or business name by the tenth day of the month following the month in which the change occurred. (Authorized by K.S.A. 2-2467a; implementing L. 1985, Ch. 12, section 2; effective T-86-27, Aug. 19, 1985; effective May 1, 1986.)

Article 16.—MEAT AND MEAT PRODUCTS INSPECTION

4-16-1. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 65-6a18, 65-6a30; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended, E-71-18, April 28, 1971; amended Jan. 1, 1972; amended, E-73-10, Feb. 16, 1973; amended Jan. 1, 1974; amended May 1, 1975; amended May 1, 1982; revoked May 1, 1986.)

4-16-1a. Definitions. (a) Each reference to "the act or act" in the portions of the code of federal regulations adopted by reference in K.A.R. 4-16-1c shall mean K.S.A. 65-6a18 *et seq.*

(b) Each reference to "secretary" or to "administrator" in the portions of the code of federal regulations adopted by reference in K.A.R. 4-16-1c shall mean the secretary of the state board of agriculture.

(c) Each reference to any "form," either by number or by any other designation, in the portions of the code of federal regulations adopted by reference in K.A.R. 4-16-1c shall mean a form supplied by the meat and poultry inspection division of the state board of agriculture.

(d) Each reference to "U.S. or the United States" in the portions of the code of federal regulations adopted by reference in K.A.R. 4-16-1c shall mean Kansas or the state of Kansas as appropriate.

(e) Each reference to "program" in the portions of the code of federal regulations adopted by reference in K.A.R. 4-16-1c shall mean division unless appropriate.

(f) Each reference to "not for sale," when used in

TIME INSPECTION STARTED

COUNTY	CITY	YEAR	IDENT NO.	TYPE	FEE CODE	SANIT CODE	MO	DAY	YEAR	TRAVEL TIME	INSP TIME

PURPOSE	
Regular	
Follow-up	2
Complaint	3
Investigation	4
Other (Pre.)	5



OWNER'S NAME _____

ESTABLISHMENT'S NAME _____

STREET ADDRESS _____

CITY _____

STATE AND ZIP _____

RATING SCORE				
100 less weight of items violated →	<table border="1"> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>			

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOOD ESTABLISHMENT INSPECTION REPORT

Received by: _____

Inspected by: _____

NAME _____ TITLE _____ NAME _____ TITLE _____

FOOD

*01	Source; sound condition, no spoilage	5
02	Original container; properly labeled	1

FOOD PROTECTION

*03	Potentially hazardous food meets temperature requirements during storage, preparation, display, service, transportation	5
*04	Facilities to maintain product temperature	4
05	Thermometers provided, conspicuous, and accurate	1
06	Potentially hazardous food properly thawed	2
*07	Unwrapped and potentially hazardous food not re-served	4
	Cross contamination prevented; damaged/detained food segregated	
08	Food protection during storage, preparation, display, service, transportation	2
09	Handling of food (ice) minimized	2
10	In use, food (ice) dispensing utensils properly stored	1

PERSONNEL

*11	Personnel with infections restricted	5
*12	Hands washed and clean, good hygienic practices	5
13	Clean clothes, hair restraints	1

FOOD EQUIPMENT & UTENSILS

14	Food (ice) contact surfaces: designed, constructed, maintained, installed, located	2
15	Non-food contact surfaces: designed, constructed, maintained, installed, located	1
16	Dishwashing facilities: designed, constructed, maintained, installed, located, operated	2
17	Accurate thermometers, chemical test kits provided, gauge cock (1/4" IPS valve)	1
18	Pre-flushed, scraped, soaked	1
19	Wash, rinse water: clean, proper temperature	2
*20	Sanitization rinse: clean, temperature, concentration, exposure time, equipment, utensils sanitized	4
21	Wiping cloths: clean, stored, use restricted, sanitizer	1
22	Food-contact surfaces of equipment and utensils clean, free of abrasives, detergents	2
23	Non-food contact surfaces of equipment and utensils clean	1
	Storage, handling of clean equipment/utensils	1
*25	Single-service articles, storage, dispensing, used	1
26	No re-use of single service articles	2

WATER

*27	Water source, safe: hot & cold under pressure	5
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SEWAGE

*28	Sewage and waste water disposal	4
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PLUMBING

29	Installed, maintained	1
*30	Cross-connection, back siphonage, backflow	5

TOILET & HANDWASHING FACILITIES

*31	Number, convenient, accessible, designed, installed, maintained	4
32	Toilet rooms enclosed, self-closing doors, fixtures, good repair, clean: hand cleanser, sanitary towels/tissue/hand-drying devices provided, proper waste receptacles	2

GARBAGE & REFUSE DISPOSAL

33	Containers or receptacles, covered, adequate number, insect/rodent proof, frequency, clean	2
34	Outside storage area enclosures properly constructed, clean; controlled incineration	1

INSECT, RODENT, ANIMAL CONTROL

*35	Presence of insects/rodents - outer openings protected, no birds, turtles, other animals	4
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FLOORS, WALL & CEILINGS

36	Floors: constructed, drained, clean, good repair, covering installation, dustless cleaning methods	1
37	Walls, ceiling, attached equipment: constructed, good repair, clean surfaces, dustless cleaning methods	1

LIGHTING

38	Lighting provided as required, fixtures shielded	1
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VENTILATION

39	Rooms and equipment vented as required	1
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DRESSING ROOMS

40	Rooms clean, lockers provided, facilities clean, located, used	1
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OTHER OPERATIONS

*41	Necessary toxic items properly stored, labeled, used	5
42	Premises maintained, free of litter, unnecessary articles, cleaning maintenance equipment properly stored. Authorized personnel	1
43	Complete separation from living/sleeping quarters. Laundry.	1
44	Clean, soiled linen properly stored	1

* Critical Items Requiring Immediate Attention.

Failure to comply with any time limits for correction of violations may result in cessation of your facility.

Poisonous or Toxic Materials

7-701 Materials permitted. *Item* *Interpretation*

Only those poisonous or toxic materials necessary and intended for the maintenance of the establishment, including the cleaning and sanitization of equipment and utensils, and the control of insects and rodents, shall be present in retail food stores, except those items being stored or displayed for retail sale as described in Section 7-705 of this code.

41 *necessary*

7-702 Labeling of materials.

Containers of poisonous or toxic materials necessary for operational maintenance of the establishment shall be prominently and distinctly labeled in accordance with law. Small working containers of bulk cleaning agents shall be individually labeled for easy identification of contents.

41 *labeled*

7-703 Storage of materials.

Poisonous or toxic materials necessary for the maintenance of the establishment consist of the following two categories:

(a) Insecticides and rodenticides;

(b) Detergents, sanitizers, related cleaning or drying agents, and caustics, acids, polishes, and other chemicals.

Materials in each of these two categories shall be stored and located to be physically separated from each other; shall be stored in cabinets or in similar physically separated compartments or facilities used for no other purpose; and, to preclude potential contamination, shall not be stored above or intermingled with food, food equipment, utensils, or single-service articles, except that this latter requirement does not prohibit the convenient availability of detergent sanitizers or sanitizers at warewashing facilities.

41 *stored*

7-704 Use of materials.

(a) Sanitizers, cleaning compounds, or other compounds intended for use on food-contact surfaces shall not be used in a way that leaves a toxic residue on such surfaces, nor in a way that constitutes a hazard to employees or other persons.

Item Interpretation

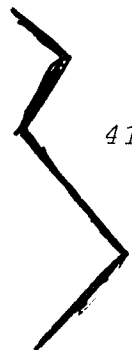
41 *used*

(b) Poisonous or toxic materials shall not be used in a way that contaminates food, equipment, or utensils, nor in a way other than in full compliance with the manufacturer's labeling.

41 *used*

7-705 Storage and display of materials for retail sale.

Poisonous or toxic materials stored or displayed for retail sale shall be separated from food and single-service articles by spacing, partitioning, or dividers. These materials shall not be stored or displayed above food or single-service articles.



41 *stored*

7-706 First-aid supplies and personal medications.

Retail food store employees first-aid supplies and personal medications shall be stored in a way that prevents them from contaminating food and food-contact surfaces.

41 *stored*

REASON: The accidental contamination of food or food-contact surfaces with pesticides, toxic cleaning compounds, other poisons, or medicinals can cause serious illness.

The requirements of these sections are intended to assure that only those toxic materials which are necessary to the retail food store's operation are present; and that they are clearly labeled, safely stored, and properly used.

Premises

7-801 General.

Item Interpretation

(a) Retail food stores and all parts of the property used in connection with operations of the establishment shall be reasonably free of litter and articles not essential to the operation or maintenance of the establishment.

42 *litter/articles*