

Approved March 1, 1990  
Date

MINUTES OF THE Senate COMMITTEE ON Agriculture

The meeting was called to order by Senator Allen at  
Chairperson

10:09 a.m./~~XX~~ on February 28, 1990 in room 423-S of the Capitol.

All members were present ~~except~~

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

Conferees appearing before the committee: Charles Gilmore, cotton farmer, County  
Commissioner, Rice County  
Chris Wilson, Kansas Fertilizer and Chemical  
Association  
Stan Maskus, Farmers Co-op, Hays, Kansas  
Robert Grace, Kansas Agricultural Aviation  
Association, St. Francis, Kansas  
Jere White, Executive Director, Kansas Corn  
Growers Association, Garnett, Kansas  
Nancy Kantola, Committee of Kansas Farm  
Organizations  
Howard Tice, Kansas Association of Wheat Growers  
Dale Lambley, Director, Plant Health Division,  
State Board of Agriculture

Senator Allen called the Committee to order and called on Larry Woodson from the State Board of Agriculture to introduce a special guest.

Mr. Woodson introduced to the Committee Dr. Daniel Skelton who is retiring after fifty years of service to the Agriculture Department working with meat inspections.

Dr. Skelton expressed appreciation for and enjoyment of the work he has been involved with.

The Chairman expressed a thank you for the Committee to Dr. Shelton for his years of service and stated that a Resolution honoring him would be introduced in the Senate in the near future.

The Chairman turned Committee attention to SB 691 and called on the following to testify.

Charles Gilmore, a proponent for SB 691, gave the Committee copies of his testimony (attachment 1) and expressed a need for regulations due to the careless use of herbicides. Mr. Gilmore stated that he did not agree with the way in which New Section 2 of SB 691 was written.

In answer to Committee questions, Mr. Gilmore answered that he had not been reimbursed for losses to his cotton crop by the excess use of herbicides. Mr. Gilmore answered instead of the passage of SB 691 that he would like to see the Legislature request Extension write up new rules and regulations concerning the use of herbicides that affect cotton crops.

The Chairman called on the following to testify as opponents of SB 691.

Chris Wilson gave the Committee copies of her testimony (attachment 2) and stated that present regulations are in place to handle problems relating to the use of herbicides and explained that SB 691, if passed, could cause more problems than it could solve. Ms. Wilson introduced Stan Maskus to testify.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Agriculture

room 423-S, Statehouse, at 10:09 a.m. ~~p.m.~~ on February 28, 1990.

Mr. Maskus explained that a law to help one crop become successful at the expense of all other crops is a law going in the wrong direction. Mr. Maskus stated that enough laws are in place now to handle responsible use of pesticides. Mr. Maskus stated that if pesticides are being used irresponsibly that present laws need to be enforced.

During Committee discussion it was commented that without the use of 2,4-D that millions of acres of wheat would be affected by weeds. Ms. Wilson answered that help had not been requested concerning cotton crops in Kansas due, in part, to the comparative small numbers of acres of cotton grown in Kansas as compared to some other states where many acres more of cotton are grown and where more regulations have been written regarding the use of herbicides near cotton crops.

Robert Grace gave the Committee copies of his testimony (attachment 3) and stated that the passage of SB 691 would have an adverse affect on the wheat crop of Kansas and would benefit a much smaller crop, cotton. Mr. Grace explained that cotton crops are not damaged by wrongful application of herbicides but from volatilization of the herbicide 2,4-D.

Jere White provided the Committee with copies of his testimony (attachment 4) and expressed opposition to any more legislation dealing with the use of hormone-type herbicides. Mr. White encouraged that educational programs be given by the Board of Agriculture and the KSU Extension to minimize future problems with herbicide use.

Nancy Kantola gave the Committee copies of her testimony (attachment 5) and expressed concern for the problems of the cotton growers and suggested that the cotton farmers work with their area farmers to work out their problems rather than having legislation passed which would affect all the farmers of the state. Ms. Kantola requested that the Committee request that SB 691 not be passed.

Howard Tice gave the Committee copies of his testimony (attachment 6) and expressed the willingness of the Kansas Association of Wheat Growers to work with the cotton growers concerning finding a solution with their problem with 2,4-D. Mr. Tice suggested that the cotton growers also work with the State Board of Agriculture. Mr. Tice requested that the Committee recommend SB 691 unfavorably for passage.

Mr. Lambley gave the Committee copies of his testimony (attachment 7) and testified as neither a proponent or opponent. Mr. Lambley stated that the Board of Agriculture has been working on the problem of the cotton growers and that two years ago it was determined that volatilization was the problem causing trouble for the cotton growers and that there is no solution to prevent volatilization.

The Chairman suggested the cooperation of all in working out a solution for the problem of the cotton growers and declared the hearing closed for SB 691. The Chairman called attention to the summary pages of the annual report from the International Grains Program's 1989 Annual Report (attachment 8) provided for the Committee members and stated that the complete annual report is available on file in the Legislative Research Department for any Committee member for further reference. The Chairman called for action on Committee minutes.

Senator Lee made a motion that the Committee minutes of February 20 be approved; seconded by Senator Frahm; motion carried.

The Chairman adjourned the Committee at 11:00 a.m.

GUEST LIST

COMMITTEE: Senate Agriculture

DATE: February 28, 1990

NAME	ADDRESS	ORGANIZATION
Howard W. Tiew	Hutchinson	KAWB
Gene White	Garnett	KCBA
Dale Lambly	Topoka	KSBA
Greg Kusch	Topoka	KSBA
Frances Kastner	Topoka	Ks Food Dealers Assn
Alex Hawkins	Topoka	KSBA
William T. Lutt	Topoka	KSBA
Gary Bouts	Topoka	KSBA
LARRY D. WOODSON	TOPEKA	KSBA
Dr. James Stebbins	Wichita	MAFD
Pete Wannamaker	Topoka	KSBA
CHARLES GILMORE	STERLING	CENTRAL KS Cotton FIVE
Nancy Kantola	Topoka	CKFO
Bill Fuxer	Manhattan	Kansas Farm Bureau
Alan Paulus	HAYS	FARMERS CO-OP
MARK Holloway	WICHITA	Monsanto Ag Chem
John Peterson	Topoka	Natl Ag Chem Assn
Chris Wilson	Topoka	KFCA
Joe Lieber	Topoka	Co-op Council
R.G. Frey	TOPEKA	KAAA
ROBERT GRACE	ST. PETERS, KS	KAAA
Tom TUNNELL	Topoka	KS FERT & CHEM ASSN
Dick McKee	Topoka	KCA

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28-90

1. Thank you, Mr. Chairman and committee members for letting me appear here today. My name is Charles Gilmore. I live in Rice County and farm 1100 acres in Rice and Reno County. I also serve as a County Commissioner in Rice County.

2. I appeared before the Interim Study Committee on Agriculture and Livestock on Sept. 2, 1988 on behalf of Central Ks. Cotton Growers Inc. of which I am President. At that time I expressed concern over the use of certain herbicides in our area. I furnished to the committee copies of Texas and Okla. herbicide laws. In those states and others, the use of Phenoxy type herbicides are rigidly restricted. Since I last appeared we have had another harvest. It was a year of disaster for us in the cotton industry. We did not harvest any cotton in central Kansas in 1989, due to the extreme use of herbicides in our area. We also noticed damage to our soybeans, and to fruit trees and garden products. I have included in this testimony a production sheet showing the cotton grown in our area in 1988. Grower number one is myself. If you will notice our production was 1006 pounds per acre. That relates to a gross of \$635.00 per acre. Herbicide damage was the cause of severe economic loss to myself as well as to the other cotton producers.

3. We are not promoting a witch hunt on aerial or ground rig applicators, but want to point out the careless use of herbicides have made regulations a necessity. All of the herbicides and insecticides used on our farm are applied by a commercial operator. Chemicals can be purchased at discount and hardware stores. There should be a regulation written to completely eliminate such purchases. We ask our aerial and ground rig applicators to pass tests and to keep records of their activities, yet anyone can purchase these chemicals and use them indiscriminately. These activities are a major source of some of our ground water problems.

Senate Agriculture Committee  
2-28-90  
attachment 1

4. I am not so narrow minded as to say that herbicides and insecticides are our only agricultural problem. All citizens are being bombarded daily with stories of misuse of chemicals. Agriculture owes it to itself to speak out on regulatory issues and give the public a more realistic view of crop inputs and farming practices

5. RE: Senate Bill 691 new section 2, requires a petition bearing signatures of 25 or more to declare a county - by specific dates - hormone type herbicide free. This is a put-off. I believe that we need to work through our Extension Service to determine need. Remember, we are talking only about Phenoxy (hormone) type herbicides. It is my opinion that we as Kansans need to write our own rules and regulations. If we don't, some Harvard attorney, working for the EPA, will write them and we won't like what we have to live with. We owe it to ourselves to work out our own problems.

Thank you for listening today. I will try to answer any questions.

Enc: Article on CEO William Reilly - EPA  
Article on ASCS payment for herbicide - insecticides  
Central Ks. Cotton production sheet

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ticide exposure and the threat  
to the unborn as well."  
Moreover, he continued,  
"children of farm workers  
may be debilitated for life by  
early life exposure to harmful  
chemicals and may well be a  
long-term source of higher  
social costs because of dimin-  
ished capacity for indepen-  
dence."

### Biotech Breakthrough

► BioTechnica International, Inc. recently announced its subsidiary, Plant Science Research Inc., Minnetonka, MN, has achieved the transformation of corn, marking the first successful demonstration that corn plants possessing an introduced gene are stable, fertile and capable of transmitting the gene to the next generation of plants.  
"We see this breakthrough as a technological and commercial milestone that will allow us to enter the \$1.5 billion U.S. seed corn market with genetically engineered corn hybrids," says John Hunt, chairman and CEO of BioTechnica International. "Our progress to date with commercially valuable genes positions us to implement the new technology immediately, and opens the way to the mar-

specific traits, such as insect resistance and improved nutritional quality.  
"Useful corn transformation with the production of fertile plants that transmit the gene to succeeding generations has been an insurmountable roadblock for agricultural biotechnology," says Ralph Hardy, president of the Boyce Thompson Institute for Plant Research at Cornell University.

### ASCS Pays For Reduced Chemical Use

► Reducing chemical use is in all the headlines but now the government is going to help you cut chemical use and cost. The Agricultural Stabilization and Conservation Service (ASCS) has developed a program to financially assist farmers in reducing their application of pesticides and fertilizer, according to a report published by The Fertilizer Institute.  
The program came about at the recommendation of the National Conservation Review Group, an inter-agency review team that meets annually to discuss projects conducted under the Department's Agricultural Conservation Program. The group recommended a program allowing cost-sharing for Integrated Pest Management

equipment  
selected from a field of more than 600 short line Farm Equipment Manufacturers Association (FEMA) members to receive this honor. It is given each year by AIMRA to the manufacturer whose product reputation, sales and promotion programs, dealer support and lasting dealer relationships meet the criteria of the association.

(IPM) scouting and control of weeds and pests. The purpose, according to the report, is to "reduce fertilizer and pesticide use from 20 to 50 percent per year."  
On November 3, 1989, the ASCS Administrator sent to state ASCS offices the guidelines for a special program to carry out this directive. The program, called SP-53, will allow state ASCS offices to select 20 farmers each in five different counties to implement an Integrated Crop Management system to reduce pesticide and fertilizer applications. ASCS will pay up to \$7/acre for row crops and \$14/acre for "specialty" crops to farmers participating in the program.  
ASCS is in the process of selecting states to participate in the program. Contact your local ASCS office for more information.

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# The environment's CEO

EPA CHIEF WILLIAM REILLY WON'T MANDATE ORGANIC FARMING, BUT HE COULD RESHAPE AGRICULTURE IN THE 1990S

By Marcia Zarley Taylor

**W**illiam Reilly talks softly but carries a big stick. As administrator of the Environmental Protection Agency (EPA), Reilly oversees a dozen federal groundwater programs, decides the life and death of pesticides, regulates food safety and polices air quality.

Democrats on Capitol Hill genuinely like him. More than any other EPA chief in the past 20 years, he has the ear of the President. This year, he wants a hand in shaping the 1990 farm bill.

It's making some in agriculture circles nervous. When EPA decided to announce a ban on the fungicide EDBC late last year, Agriculture Department officials urged Reilly to issue a standard press release and take a low profile. Going on national TV would only refuel consumer fears about food safety, they warned. Instead, Reilly called a major press conference. To USDA, it was a sign of Reilly's determination to rebuild EPA's tarnished reputation as a tough pesticide regulator. Perhaps they were right: *The Washington Post* called Reilly's action the first sign that EPA is waking up to pesticide regulation.

At 50, Reilly is trim, pale and disarmingly polite. His manners and pedigree seem more like a Rockefeller than the back-to-nature type you would normally affiliate with a professional conservationist. He dresses in double-breasted suits with silk handkerchiefs tucked in the breast pockets. Though Ivy League educated (B.A. Yale, J.D. Harvard Law School, M.S. Urban Planning from Columbia), Reilly spent most of his professional career immersed in what seem like mundane issues: protecting farmland from urban encroachment, reducing soil erosion and saving wetlands from destruction.

For 15 years, he headed the Conservation Foundation, a moderate Washington, D.C., think tank widely credited with engineering the swampbuster provisions of the 1985 Farm Act.

Reilly's passion for agriculture issues traces back to his youth. He was not raised on a farm, but his father owned a 200-acre operation near Decatur, Ill., where he grew up. "It was farmland, not wilderness, that first attracted me to conservation," he says.

**Challenge.** Rebuilding public credibility in EPA is one of Reilly's top personal challenges. Two public relations catastrophes marred his first year in office: the Alaskan oil spill and the Alar apple scare. He calls the Alar incident his "baptism of fire" in pesticide law.

One lesson, he says, is that Congress desperately needs to shorten the eight-to-10-year timetable it now takes to cancel problem chemicals. "I don't think you can expect the EPA administrator to explain why it is necessary to drop the curtain on a chemical because it is a carcinogen, then say the food supply is safe while the chemical remains on the market for years to come."

Chemical companies' interests don't always coincide with farmers' interests, he notes. Alar's manufacturer bears some of the blame for letting the incident escalate out of control, Reilly says. The company rebuffed EPA's suggestion for an immediate, voluntary withdrawal. "Growers have perhaps been slow to appreciate this in some instances, but it is clear to me that if we had had an immediate decision to suspend Alar's use last February, apple growers would have benefited. Everybody would have been reassured. And we would not have thrown the public into a full-scale food

panic, which is what we had."

Don't get him wrong. Reilly is not antipesticide. At a recent forum sponsored by *Atlantic* magazine, he politely dismissed suggestions by activist Barry Commoner to mandate organic agriculture. Farmers can use "significantly less" pesticides than they do right now, responded Reilly. But simplistic solutions like a total ban don't recognize that fungus and other nonchemical threats pose a much more serious risk to food supplies than pesticides.

Applying pesticides much more selectively and at lower rates could help prevent ground and surface water contamination, he contends. "But there is no interest whatever at EPA or among mainstream environmentalists in this country in seeing the productivity of American agriculture decline," he says. "We don't want to impair our capacity to continue to feed this country and much of the rest of the world."

He also rebuffs vocal critics like the Natural Resources Defense Council who contend it is immoral to weigh the health risks of pesticides against farm profits and other benefits. A bill introduced by Rep. Henry Waxman (D., Calif.) and Sen. Ted Kennedy (D., Mass.) would terminate EPA's authority to consider pesticide benefits. But Reilly says he "takes both sides of the [cost-benefit] equation very seriously."

**Compromise.** His natural preference for compromise means Reilly won't likely advocate some of the punitive features proposed for the 1990 farm bill. For example, some environmental groups want to require water quality plans as a condition for federal farm programs, much as the 1985 law required conservation plans on highly erodible



PHOTO BY DEBRA ZAHARA

**WILLIAM REILLY, CHIEF of the Environmental Protection Agency, wants to strike a balance between agriculture and the environment.**

land. Presumably, growers who failed to use Best Management Practices when applying manure, fertilizer or pesticides could lose government benefits.

The 1987 Clean Water Act requires states to adopt strategies to cut agricultural water pollution, EPA staffers note, including the option to require state-mandated water quality plans. They doubt Reilly will push for a federal requirement for individual farms.

"I don't think that we will see prescription farming in the 1990 farm bill," says Jim Moseley, a Lafayette, Ind., hog farmer who serves as Reilly's agricultural consultant. "There may be more incentives and guidelines. But it will be a range of things you can do, not a dictate

telling you how to farm."

While he has spent much of his first year at EPA managing crises, Reilly hopes the watchword of the 1990s will be pollution prevention, particularly in areas like groundwater. That's a larger problem than EPA first thought, he says. "We're not talking about inconsequential problems with groundwater. That's the source of drinking water for half the population of the U.S. and 90% of the rural population. It would be a calamity to impair that resource. This is not a crisis. But let's tend to it before it does become a crisis."

**Wildlife.** He also wants to broaden EPA's focus on environmental impacts, a move that could bode ill for pesticides that are toxic to birds and wildlife.

"If you've got something that reduces the population of birds, it probably has more undesirable consequences and you

ought to stop it. In the long run, that will benefit human health and make the whole place more habitable."

On sensitive issues like pesticides and wetlands protection, Reilly expects to have differences of opinion with farmers. But he also recognizes that the EPA administrator of the 1990s will have to operate more like a pope, influencing change on moral grounds rather than by police force because EPA can't protect the environment single-handedly, but needs a society-wide effort.

That marks a major evolution in EPA strategy. Regulations during the 1970s and 1980s focused on "point" sources of pollution—chemical plants, paper mills, sewage treatment plants. "A 'command and control' strategy worked as long as we had to deal with a few hundred corporations," says EPA agricultural adviser Moseley. "It won't work when you need the cooperation of millions of citizens." ◀



1988 COTTON CROP  
ALL COTTON GINNED AT STERLING, KANSAS

TABLE 1 - HARVEST YIELDS

	LINT LBS/ ACRE	COTTONSEED		GIN STOCK		TOTAL HARVEST	GIN- OUT %*	
		LBS/ ACRE	LINT RATIO	LBS/ ACRE	LINT RATIO	LBS/ ACRE		
IRRIGATED: Grower # 1	1,006	1,628	1.61x	1,423	1.41x	4,057	24.7%	
NORMAL DRY LAND:								
Grower # 2	676	1,025	1.52x	823	1.22x	2,524	26.8%	
Grower # 3	562	818	1.46x	619	1.10x	1,999	28.1%	
Grower # 4	507	710	1.40x	634	1.25x	1,851	27.4%	
Grower # 1	486	701	1.44x	851	1.75x	2,038	23.8%	
Grower # 5	434	638	1.24x	488	1.12x	1,560	27.8%	
Grower # 6	404	566	1.40x	434	1.07x	1,404	28.8%	
Grower # 7	403	642	1.59x	472	1.17x	1,517	26.6%	
AVERAGE	496	729	1.47x	617	1.24x	1,841	26.9%	
DRY LAND PROBLEMS: NOTES								
Grower # 8	(1)	288	464	1.61x	413	1.43x	1,164	24.6%
Grower # 9	(2)	273	471	1.73x	353	1.29x	1,097	24.9%
Grower # 10	(3)	120	228	1.90x	238	1.98x	586	20.5%

NOTES:

- (1) Used landmaster, which contains (2,4-D), as herbicide and killed crop/ Had to replant about June 13/ Also had a significant sandbur problem.
- (2) Significant weed problems.
- (3) Planted June 15/ Received only about 1" of rain after planting and most of the crop did not germinate.
- (4) NOTE - Recommended planting time is May 15 to June 1, when soil temperature is consistently above 60°.

\* Gin-out % is the percentage of lint to the total harvest.

COTTON GROWERS GINNING AT STERLING ARE LOCATED NEAR:

- Augusta, Ks (Butler County)
- Conway, Ks (McPherson County)
- Danville, Ks (Harper County)
- Lyons, Ks (Rice County)
- Peabody, Ks (Marion County)
- Stafford, Ks (Stafford County)
- Sterling, Ks (Rice County)
- Windom, Ks (Rice County)

COTTON GROWERS GINNING IN OKLAHOMA ARE LOCATED NEAR:

- Burden, Ks (Cowley County)
- Rock, Ks (Cowley County)
- Winfield, Ks (Cowley County)

*thank 2  
2-28-90*

STATEMENT OF THE KANSAS FERTILIZER AND CHEMICAL ASSOCIATION  
TO THE SENATE AGRICULTURE AND LIVESTOCK COMMITTEE  
SENATOR JIM ALLEN, CHAIRMAN  
REGARDING S.B. 691  
FEBRUARY 28, 1990

Mr. Chairman and Members of the Committee, I am Chris Wilson, Director of Governmental Relations of the Kansas Fertilizer and Chemical Asssocation (KFCA). Our more than 500 members are firms involved in the agricultural chemical industry. Thank you for the opportunity to comment today concerning S.B. 691. As we understand the bill, the intent is to protect sensitive crops such as cotton. We are supportive of the concept, but must oppose this specific bill for numerous reasons.

In other states, where there are more acres of sensitive crops grown, legislation to protect them generally addresses phenoxy hormone herbicides. S.B. 691 is so broad in definition that it would encompass many herbicides which do not pose a threat. Also, the bill only addresses commercial application, when the problem appears to be not the quality or type of application, but the sensitivity of the crop. It would seem to be an advantage for the applicator to have additional education required for commercial application.

More importantly, the economic benefit to the sensitive crop must be weighed against the economic detriment to other crops. We are also concerned about the language of the bill in terms of how the action to limit use of the herbicide may be brought.

This could have much wider and unintended results than the

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*attachment 2*

protection of sensitive crops.

We believe the mechanism is already in place to address the issue of sensitive crop protection without passing new legislation. This could be accomplished through the Pesticide Management Plan law, adopted last session, which this Committee originated.

Our Association became aware of the concern about cotton damage from 2,4-D when this bill was introduced. It seems that this problem could be solved by the concerned growers working with our Association and producer organizations and through the use of existing authorities without the passage of new legislation.

We hope that you will not pass S.B. 691, which although brief, has several problems, and that you will encourage this problem to be addressed in a better manner with no new legislation. I will be glad to respond to any questions you may have.

# DOWELANCO

February 27, 1990

10890 Benson Drive, Suite 160  
Shawnee Mission, KS 66210  
913/451-2000

Senator Jim Allen  
Chairman Ag Committee  
State Capitol  
Topeka, Kansas 66612

PUBLIC HEARING - SENATE BILL NO. 691 - FEBRUARY 28, 1990

Dear Senator Allen:

DowElanco is a major producer and supplier of pest management products used in Kansas and throughout the United States. As such, we are acutely interested in regulatory proposals having potential impact on the public's ability to derive benefit from the use of pest management products. Kansas is well-known for its production of quality wheat. "Hormone-type herbicides" are extensively used in the production of this crop. DowElanco is pleased to submit comments in response to SB 691 for the Kansas Ag Committee's February 28, 1990, Public Hearing. As I have prior commitments and will be out of the state, I hope this letter will be acceptable. The following comments represent our interest in cooperating with your committee to develop effective and practical legislation.

DowElanco supports the efforts by the state of Kansas to develop reasonable legislation protecting cotton from economic injury associated with the off-target movement of herbicides. Widespread, economic injury to sensitive crops is unacceptable and must be managed. We believe that Kansas has current statutes that allow for the necessary control of this situation. DowElanco believes that suspending the use of products, such as "hormone-type herbicides," registered for use on wheat is inappropriate. This opinion is based in part upon the following:

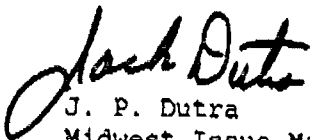
- \* No other herbicide federally registered for broadleaf weed control in wheat provides equivalent, low cost control. Therefore, suspending the use of products containing 2,4-D places an avoidable economic burden on Kansas wheat producers.
- \* Suspending the use of products containing 2,4-D registered for use on wheat would result in the increased use of the limited alternative herbicides. We are concerned about the market's short-term abilities to meet these demands. Short supplies typically result in increased costs of materials which in turn could place an additional economic burden on Kansas wheat producers.

Senator Jim Allen  
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- \* Products containing 2,4-D have been, and can be, applied by ground or air without economic injury to sensitive crops. However, cotton's inherent sensitivity to 2,4-D necessitates that applications be made in accordance with product labeling and applicable Kansas regulations. We believe the observed levels of economic injury reflect a need for increased applicator education, product stewardship, and enforcement of Kansas' existing regulations. Suspending the use of products containing 2,4-D will do little to correct these manageable problems.
- \* Our belief is that training, product stewardship, and enforcement compose the foundation upon which the use of agricultural chemicals must be managed. Unless this triad is properly addressed, suspending "hormone-type herbicides" registered for use on wheat will not protect sensitive crops from off-target movement of these herbicides. Also, failure to educate or enforce existing regulations places the use of alternative products in jeopardy.
- \* The current Kansas pesticide law has the ability to establish a "Pesticide Management Area". It is our belief that this section already covers the specific need in this case. Additional legislation is not currently required.

Thank you for the opportunity to comment on the proposed legislation. Please let me know if we can better address the State's need for additional information. I may be contacted at 913/451-2000 or 800/255-6145.

Regards,



J. P. Dutra  
Midwest Issue Manager  
DowElanco

Testimony Concerning  
**Senate Bill 691**

by the  
**Kansas Agricultural Aviation Association**

to the  
**Senate Agricultural Committee**

**Senator Jim Allen, Chair**

**February 28th, 1990**

*Senate agriculture Committee*

*2-28-90*

*attachment 3*

The Kansas Agricultural Aviation Association finds Senate Bill 691 objectionable both ethically and procedurally.

Ethically, Senate Bill 691 would discriminate against the majority of farmers in Kansas: those who grow established, traditional Kansas crops such as wheat, sorghum, and corn. The few farmers who raise a minor crop--cotton--might gain some slight advantage from the implementation of Senate Bill 691. This advantage, however, pales in comparison to the major economic penalty which will be felt by the majority of Kansas farmers.

Senate Bill 691 mandates a so called "cut-off" date on certain herbicides. This procedure is used in states which have relatively large cotton acreages, because cotton is extremely susceptible to damage from volatilization of the herbicide 2,4-D, among others. However, these cut-off dates also adversely affect the production of wheat, corn, and sorghum, since they make unavailable necessary and cost-effective herbicides during a portion of the growing season. Further, as the Soil Conservation Service dictates more crop cover to protect Kansas' irreplaceable topsoil, greater late season usage of pesticides may be mandated in order to replace conventional tillage techniques now used.

It is not uncommon to see Kansas wheat sprayed late in the season in order to facilitate harvesting the weed infested wheat. A cut-off date would surely eliminate this option, potentially making many acres of Kansas wheat unharvestable.

As the graphs on the final page clearly illustrate, cotton is an insignificant crop in Kansas, as compared to adjoining states. For instance, Kansas has almost *six times* as much corn production as Oklahoma, and more than twice as much wheat production. Cotton

production in Kansas, however, is so miniscule that it hardly justifies being called a minor crop: "specialty" might be a more appropriate characterization.

In those cotton producing states where cut-off dates are implemented, the corn, wheat, and sorghum farmers suffer undeniable yield loss due to the loss of inexpensive, efficacious herbicide availability during the growing season.

If Kansas, an internationally known wheat growing state, also grew significant quantities of cotton, Senate Bill 691 would deserve consideration. However, given the existing Kansas crop acreages, Senate Bill 691 would simply penalize the vast majority of Kansas farmers unfairly.

In addition to the ethical arguments above, the Kansas Agricultural Aviation Association feels that Senate Bill 691 has several major procedural shortcomings:

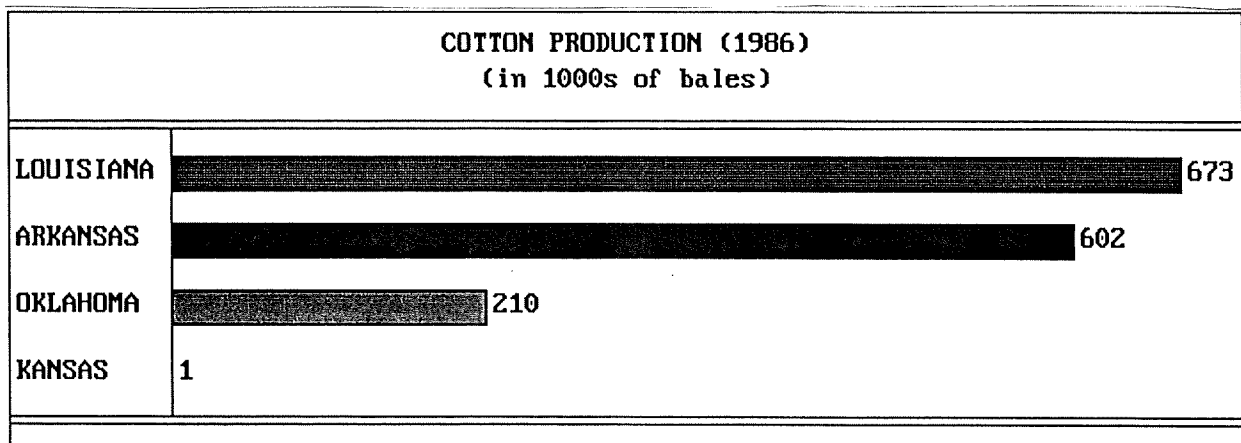
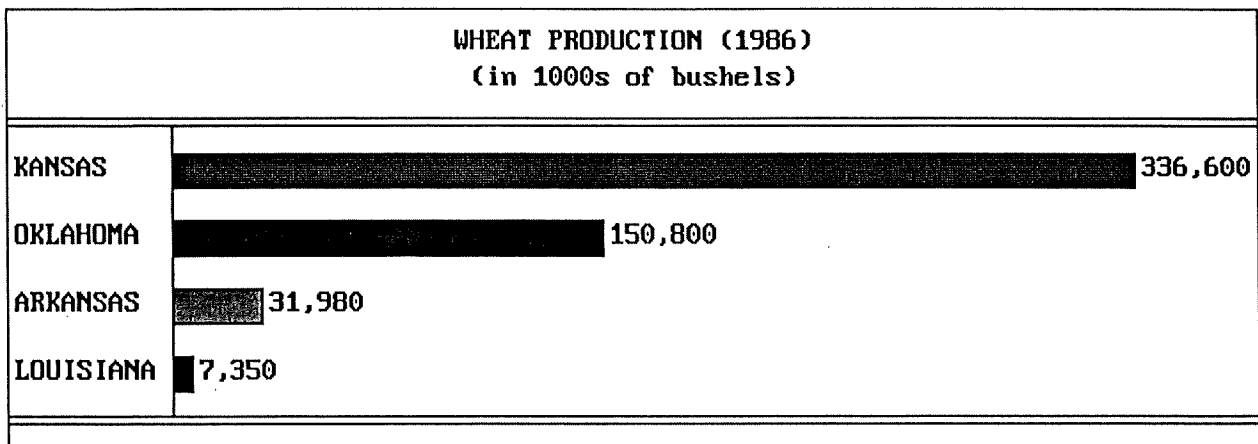
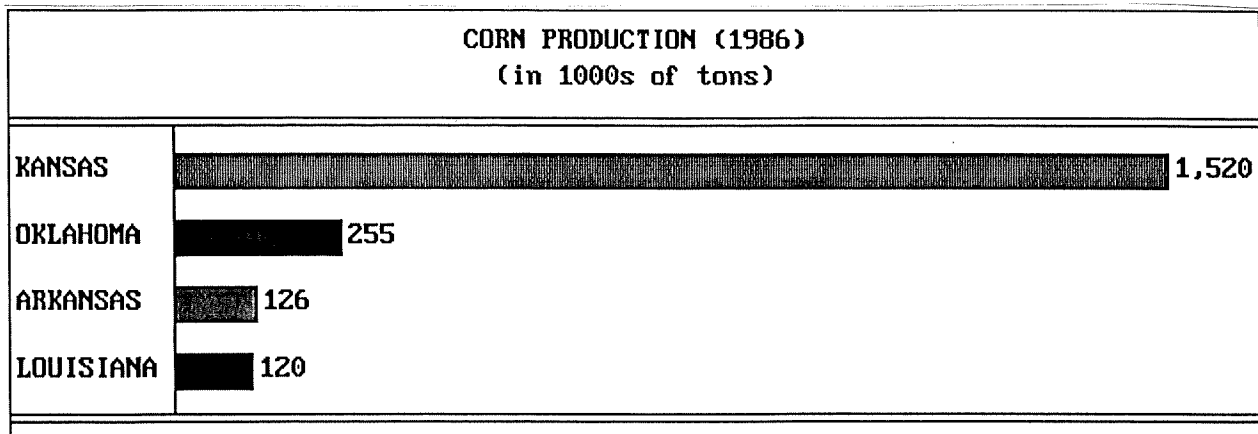
1. A cut-off date should apply to *all* applicators: In Senate Bill 691, only *commercial* applications are prohibited. This is discriminatory and illogical: the occurrence of volatilization is related to weather phenomena and the type of herbicide, and is unrelated to application method or to category of applicator.
2. Senate Bill 691 uses the phrase *hormone-type* herbicides. It is unclear what herbicides are meant by this phrase. Worse, the definition of *hormone-type* herbicides in Senate Bill 691 is so broad as to include *all* herbicides. A bill of this nature should state specifically which herbicides are to be cut-off.
3. Since a cut-off date of any herbicide would surely affect basic planting decisions



of farmers in the affected area, the determination of a cut-off date should be made at least six months prior to said cut-off date. This would allow farmers to decide which crops should be planted, given that a herbicide or herbicides will be unavailable for use on that farmer's crops after the cut-off date.

4. Finally, given that most Kansas counties have hundreds, and perhaps thousands, of land owners, twenty five names on a petition seems inadequate. A larger percentage than this should consent before such a potentially devastating action is taken.

## KANSAS CROP COMPARISONS:



NOTE: These charts use the newest figures available: 1986. While some changes have no doubt occurred since then, those changes would not materially affect the conclusions argued herein.



# Kansas Corn Growers Association

## TESTIMONY

FROM: JERE WHITE, EXECUTIVE DIRECTOR, KCGA  
TO: SENATE AGRICULTURE COMMITTEE  
DATE: 2/28/90  
RE: SENATE BILL No. 691

The Kansas Corn Growers Association stands in opposition to SB-691. While we can certainly understand the concerns of those producers who apparently sustained losses due to the use of hormone-type herbicides on adjacent land, we can not agree that additional statutory authority is needed to address this problem. K.S.A. 2-2472 thru 2479 clearly gives a mechanism by which problems relating to the use of certain pesticides at certain times can be dealt with. The Secretary to the state board of agriculture has a competent staff of employees to assist him in making a determination as to the necessity of creating a Pesticide Management Area. We are not sure what " 25 actual occupants of agricultural land " could add to this mechanism. I am confident that the secretary would initiate an investigation upon receiving information that indicated a problem existed and I doubt if it would take twenty-five people to get his attention.

We suggest as an alternative to un-needed additional legislation, that an educational program geared towards minimizing the potential for future problems be initiated. A co-operative effort thru the Board of Agriculture and KSU Extension might help alleviate this problem. If not, current law provides an opportunity for other solutions to be explored. Regardless, the need for additional legislation should not be warranted.

Thank you.

*Senate Agriculture Committee*  
*2-28-90*  
*attachment 4*

# COMMITTEE OF ... KANSAS FARM ORGANIZATIONS

---

Nancy E. Kantola  
*Legislative Agent*  
3604 Skyline Parkway  
Topeka, KS 66614  
(913) 273-5340

STATEMENT OF POSITION OF THE  
COMMITTEE OF KANSAS FARM ORGANIZATIONS

RE: S.B. 691

Senate Committee on Agriculture

February 28, 1990

Mister Chairman, Members of the Committee: I am Nancy Kantola, Legislative Agent for the Committee of Kansas Farm Organizations.

The attached list of our members confirms that our Committee is composed of the majority of the agricultural organizations and associations of agribusinesses in our State. We require a unanimous vote before we take a position on pending legislation.

Our members discussed Senate Bill 691 at our meeting last Tuesday and a number of concerns were expressed. First, there was considerable sympathy for the cotton growers who requested this bill. Certainly there is great awareness among our members that even proper use of some chemicals can cause problems, and we acknowledge that cotton plants are susceptible to damage from the hormone herbicides.

We feel however, that a better solution to the problem is to work with the people in the area where the problem exists before implementing a procedure which would involve every county in the state, and provide a legitimate method for any citizen of a rural area to limit the farming practices with which they don't agree.

Last year, the Board of Agriculture was provided authority to put in place a Pesticide Management Plan when a problem exists. When working with neighbors to provide a solution fails, the Board of Agriculture provides any needed assistance.

We ask you to carefully consider the potential problems this bill could create and respectfully ask that it not be passed.

Nancy Kantola, Legislative Agent

2-28-90

attachment 5

MEMBERSHIP LIST  
COMMITTEE OF KANSAS FARM ORGANIZATIONS  
1990

KANSAS AGRI-WOMEN  
KANSAS ASSOCIATION OF SOIL CONSERVATION DISTRICTS  
KANSAS ASSOCIATION OF WHEAT GROWERS  
KANSAS COOPERATIVE COUNCIL  
KANSAS CORN GROWERS ASSOCIATION  
KANSAS ELECTRIC COOPERATIVES  
KANSAS ETHANOL ASSOCIATION  
KANSAS FARM BUREAU  
KANSAS FERTILIZER AND CHEMICAL ASSOCIATION  
KANSAS GRAIN AND FEED DEALERS ASSOCIATION  
KANSAS LIVESTOCK ASSOCIATION  
KANSAS MEAT PROCESSORS ASSOCIATION  
KANSAS MILK PRODUCERS ASSOCIATION  
KANSAS PORK PRODUCERS COUNCIL  
KANSAS RURAL WATER DISTRICTS ASSOCIATION  
KANSAS SEED DEALERS ASSOCIATION  
KANSAS SOYBEAN ASSOCIATION  
KANSAS STATE GRANGE  
KANSAS VETERINARY MEDICAL ASSOCIATION  
KANSAS WATER WELL ASSOCIATION  
MID AMERICA DAIRYMEN, INC.  
WESTERN RETAIL IMPLEMENT AND HARDWARE ASSOCIATION



# Kansas Association Of Wheat Growers

**"ONE STRONG VOICE FOR WHEAT"**

## TESTIMONY

### SENATE COMMITTEE ON AGRICULTURE

Chairman: Senator Jim Allen

SB-691

Mr. Chairman and members of the committee, my name is Howard Tice, and I am Executive Director of the Kansas Association of Wheat Growers. On behalf of the members of our association, I appreciate the opportunity to appear today in opposition to Senate Bill 691.

We can certainly appreciate the concerns of cotton growers, and we would support appropriate means of reaching a solution to their problem with 2,4-D. However, we cannot accept legislation such as SB 691 as the appropriate solution.

It is my understanding that the susceptibility of cotton, to 2,4-D is the only reason this bill was requested. However, the definition in the bill includes Banvel, Landmaster, possibly Lasso and other needed crop protection chemicals. In short, it is too broad, and that causes us to worry about how it could be used to interfere with a farmer's ability to deal with serious weed infestations, by someone opposed to chemical usage.

We are certainly not opposed to anyone growing alternate crops in Kansas. Indeed, such diversification is healthy for our industry. At the same time, we must question the fairness of this bill, when you consider that potentially large numbers of producers of the states major crops could be adversely affected by legislation intended to help a very small number of people.

I believe a more positive approach would be to encourage the cotton growers to work with the State Board of Agriculture, or their county extension office to set up a public meeting where they can explain their plight to other farmers in the county. Perhaps, by communicating in this forum, an agreement can be worked out that will be acceptable to all concerned. Under legislation passed last year, the Board of Agriculture has the authority to develop a Pesticide Management Plan, if necessary, that would deal with local problems such as this, without causing a negative spillover into areas where the same problem doesn't exist.

In conclusion, we believe the concerns of the Rice County cotton growers can be addressed without SB 691. We also believe the possible negative impact of this bill far exceeds the perceived benefits, not only because of the disparity in numbers between cotton growers and producers of wheat and other grains, but because of the potential it to be used as a vehicle to impair the ability of a farmer to adequately protect his crops. We therefore, respectfully request that SB 691 be reported unfavorably for passage.

*Senate Agriculture Committee*

*2-28-90*

*attachment 6*

T E S T I M O N Y

Senate Bill 691

PRESENTED TO  
SENATE COMMITTEE ON AGRICULTURE

by

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

February 28, 1990

*Senate agriculture committee  
2-28-90  
attachment 7*

Senate Bill 691

As the committee recognizes, the Plant Health Division is assigned direct responsibility for administering and enforcing the Kansas Pesticide Law and the Kansas Agricultural Chemical (or pesticide registration) Act. Consequently, we have had a substantial amount of experience in working with pesticides and in investigating pesticide damage complaints. When I first became aware of Senate Bill 691, I thought that the committee might like to be made aware of some of our experiences; so it is in that vein that I come here this morning.

In general terms, S.B. 691 would allow occupants of agricultural lands in individual counties of the state to petition the State Board of Agriculture requesting establishment of specific areas within the county in which use of "Hormone-type herbicides" would be halted during a specific calendar period, also established by the Board. In certain respects, the bill resembles the pesticide management area concept which was enacted last session, except that this bill deals with airborne movement of pesticides. I was not aware that this bill was to be introduced this session. But because of problems we have observed during our investigations, I would have to say that we were not surprised that one was introduced. I had thought that this would occur next year or at some future session, however. The thrust of the bill is new to Kansas, but is not new to a number of the southern agricultural states. The current bill strikes me as similar to authority presently in place in Oklahoma which is designed to help the cotton growers of that state.

There are a number of "Hormone-type herbicides" registered for use in Kansas. These include 2,4-D, dicamba (Banvel), MCPA, and picloram



(Tordon). The herbicide 2,4-D, is one of the two most widely used weed killers in the state and in more recent years has come to be widely applied as a tank mix with dicamba. The two taken together often give more effective weed control than either used separately. They are known as hormone type herbicides because they interfere with the plants ability to regulate its own growth. Consequently you will often hear it said that these products cause weeds to grow themselves to death.

2,4-D has been in widespread use in Kansas for nearly 40 years. Its benefits are that it provides excellent broadleaf weed control and is relatively inexpensive in comparison to many other pesticide products. Both 2,4-D and dicamba are also widely used in urban settings. They are the products commonly used by commercial lawn care companies and homeowners in doing control of dandelions and other broadleaf weeds in lawns, for example.

There are, however, some unfortunate side effects to 2,4-D and dicamba use. First, we have certain beneficial plants that are extremely sensitive to 2,4-D and dicamba and are severely damaged by minute amounts of those products. Some prime examples are cotton, grapes, dry beans, tomatoes and walnut trees. Walnuts can, of course, become large trees and are perennials. Consequently, a dose of 2,4-D can defoliate the tree and cause it to lose growth, but does not kill the tree unless damage also occurs on a perennial basis. Over the years we have investigated numerous instances of 2,4-D or 2,4-D dicamba damage, particularly to cotton fields and grape vineyards. In addition, these plants appear particularly sensitive to 2,4-D vapors during certain periods of their growth. From examples we have seen in

the field, cotton appears especially sensitive to damage during early growth stages (1 to 4 inch) and again during the period where bolls are setting.

A second aspect which I would like to discuss relates to the means by which 2,4-D damage is occurring. Most of us who work with pesticides have the bad habit of referring to all off-target movement of pesticides as drift. There are a number of different factors which can influence drift, but as applied in general usage drift really refers to pesticides that move off-target because they have been applied when winds are too high. The spray particles ride the wind currents and move out beyond the field borders. This has been more of a problem in the past than it is now, and one that has particularly plagued aerial applicators. In general, research has shown that downwind drift resulting from aircraft spraying operations exceeds that of high-clearance ground sprayers by a factor of 4 to 5. Over the past several years, we have seen a general decline in damage complaints arising from wind drift. The Kansas Agricultural Aviation Association has worked long and hard on this problem and should, I think, be commended for it. The only exception to this trend occurred last year when seasonal conditions combined to cause increases in complaints of many different types.

We believe that one of the major problems we are seeing today is that of volatilization and that this is also the problem which is causing much of the damage we are seeing done to cotton, grapes and other sensitive plants. Volatilization is the evaporation of pesticide from the field after the product has been applied. The field patterns of injury symptoms do not in many cases indicate physical

drift. Rather, the widespread, uniformity of the damage suggests that under high temperatures, 2,4-D or the 2,4-D dicamba mix volatilized off sprayed fields and moved. I have information from Colorado which indicates that they have seen similar problems and that the product sometimes moved 5-10 miles in the gaseous state to seriously damage non-target and sensitive crops. This type of problem is a function of the product, rather than a function of the application. 2,4-D can be obtained in both amine and ester formulations. Esters are the most highly volatile, but both have the problem. So do so-called low-vol esters. As you have no doubt noticed, I have directed most of my remarks toward 2,4-D and dicamba. That is because these are the problem products. We have not seen similar damage occurring with use of picloram even though it is a hormone-type herbicide.

What can we do about the problem? Frankly, I'm not prepared to give you a good answer. We could look to the product manufacturers to alter the product to a less volatile form. We could hope for a spray additive which might prevent volatilization and hold the product on the field. S.B. 691 is an attempt to resolve this problem. The Plant Health Division would need time to make a much more thorough examination of the problem before I felt secure in recommending to you a remedy. What is obvious to us, however, is that if we cannot overcome the volatilization problem, agriculture in Kansas is going to be faced with the difficult decisions of balancing the needs of those producing mainline crops traditional to Kansas versus those producing more diversified crops.



**INTERNATIONAL  
GRAINS PROGRAM**

Shellenberger Hall

Manhattan, KS 66506-2204 USA

(913) 532-6161

FAX: 913-532-7010

February 21, 1990

To: Selected Members of the Kansas House and Senate  
c/o Raney Gililand  
Kansas Legislative Research Department  
Room 545  
Statehouse  
Topeka, KS 66612

Attached you will find copies of the summary pages from the International Grains Program's 1989 Annual Report. Taking into consideration your time limitations and the amount of printed material you must each sort through every year, we have taken the advice of Raney, and provided him with two copies of the report for file purposes. This way, should you want to view a full copy, it will be easily available. If you would like a complete report for your use, please contact us or have Raney request additional copies.

The materials provided include a calendar of activities and a copy of the report's table of contents. The first is a brief summary of our 1988 activities, and will give you a good overview of the work we do. The table of contents is to let you know what additional information is available in a complete copy.

If you have any questions about IGP, would like a copy of our annual report, or need more detailed information about a specific aspect of our work, please let our office know.

Sincerely,

Charles W. Deyoe, Director  
International Grains Program

*Senate Agriculture Committee  
2-28-90  
attachment 8*

## 1989 Calendar of Activities

January

27 Dr. Edgar Garita, Costa Rica University

February

2 Paraguay University Team  
 6 Takao Ariuamo, Nitto Flour Milling Co., Japan  
 12-28 Carl Reed and Ulysses Acasio to Middle East  
 \*sponsored by U.S. Wheat Associates

March

1 Alexander Kirillin, U.S.S.R.  
 \*sponsored by U.S. Wheat Associates  
 27 Pakistan Participation Training Program  
 30 Iraqi Training Committee  
 \*sponsored by U.S. Wheat Associates

April

3 Kansas Wheat Commission Marketing Tour  
 \*sponsored by the Kansas Wheat Commission  
 10-21 U.S. Grain Marketing System Short Course  
 \*participants sponsored by U.S. Wheat Associates and  
 O.I.C.D. as well as self-sponsored  
 20-21 Faud Mekki, Secretary General, Sudanese Industries Assoc.  
 \*sponsored by Entrepreneurs Int'l. and the Kansas Dept.  
 of Commerce  
 21-5/5 Keith Behnke to China  
 \*sponsored by U.S. Feed Grains Council

May

15-16 Soviet Feed Team  
 \*sponsored by U.S. Feed Grains Council  
 15-18 U.S./U.S.S.R. Flour Milling Workshop  
 \*sponsored by U.S. Wheat Associates  
 30 Ahmed K. Muse, Somalia  
 \*sponsored by the International Visitors Program, USIA

June

- 1 Japanese Millers  
\*sponsored by U.S. Wheat Associates
- 5-16 Grain Grading, Storage & Handling Short Course  
\*participants sponsored by U.S. Wheat Associates
- 7 Algerian ONAB Feed Manufacturing Team  
\*sponsored by the U.S. Feed Grains Council

July

- 10-21 Advanced Flour Milling Short Course  
\*participants sponsored by U.S. Wheat Associates
- 16-23 Robert McElhiney to Greece  
\*sponsored by the American Soybean Association
- 17-28 P.V. Reddy and Rolando Flores to Haiti  
\*sponsored by U.S.A.I.D.
- 19 Mr. Lim, Singapore  
\*sponsored by U.S. Wheat Associates
- 24 Japanese Millers  
\*sponsored by U.S. Wheat Associates
- 27 Visit from Fleur Noeth, U.S. Wheat Associates/D.C.
- 24-8/4 Advanced Flour Milling Short Course  
\*participants sponsored by U.S. Wheat Associates

August

- 6-9/7 Eli Posner to Egypt, Singapore and the U.S.S.R.  
\*sponsored by U.S. Wheat Associates
- 28-9/10 Charles Deyoe to Korea and Hong Kong  
\*sponsored by Korea University
- 29-30 Taiwanese Flour Millers  
\*sponsored by U.S. Wheat Associates, Inc.

September

- 12-24 Eli Posner to South America  
\*sponsored by U.S. Wheat Associates
- 14-21 Robert Pudden to Iraq  
\*sponsored by Millers National Federation
- 25, 27 Polish Technical Mission  
\*sponsored by U.S. Wheat Associates
- 25-10/6 Guangdong Province Short Course  
\*sponsored by U.S.D.A./O.I.C.D.

8

October

- 3 Korean Flour Millers  
\*sponsored by U.S. Wheat Associates
- 9-10 Beijing Cereal Bureau Team
- 12 Japanese Feed Team  
\*sponsored by the American Soybean Association
- 16-21 P.V. Reddy to Haiti  
\*sponsored by U.S.A.I.D.
- 23-11/3 Feed Manufacturing Short Course  
\*some participants sponsored by American Soybean Association
- 31 Arturo Dancel, Philippines  
\*sponsored by U.S.D.A./O.I.C.D.

November

- 3-10 Robert Bequette to Japan and Korea  
\*sponsored by U.S. Wheat Associates
- 4-21 Robert Pudden to Europe  
\*sponsored by U.S. Wheat Associates
- 6-8 Dr. K.S. Sekhon, India  
\*Penjab Agricultural University
- 7 Hiroki Kimura and Hirohiko Okuyama, Japan  
\*Showa Sangyo Co., Ltd.
- 13 Alfredo Naime Padua, Mexico  
\*Public Affairs and Extension, Iberamerican University
- 30-12/1 Galal Aboul Dahab, Egypt  
\*sponsored by U.S. Wheat Associates

December

- 4 Chinese Feed Team  
\*sponsored by the National Renderers Association
- 8 Chinese Grain Team  
\*sponsored by U.S.D.A./O.I.C.D.
- 11 Chinese Agricultural Journalists  
\*sponsored by the Kansas State Board of Agriculture
- 14-15 Export Marketing Seminar



# The International Grains Program Report of Annual Activities 1989

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*Dr. Walter Woods, KSU Dean of Agriculture, visits with short course participants from the Guangdong Province, People's Republic of China.*