

Approved February 18, 1992
Date

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources.

The meeting was called to order by Senator Ross Doyen at
Chairperson

8:02 a.~~m~~p.m. on February 11, 1992 in room 423-S of the Capitol.

All members were present except: All members were present.

Committee staff present:

Pat Mah, Legislative Research Department
Raney Gilliland, Legislative Research Department
Don Hayward, Revisor of Statutes
Lila McClaflin, Committee Secretary

Conferees appearing before the committee:

Dale Lambly, Kansas State Board of Agriculture
Bill Fuller, Kansas Farm Bureau
Donald R. Tannahill, Professional Lawn Care Association of Mid-America
David Murphy, Green Vally Lawn Service, Merriam, Kansas
Pat Ross, Farmer, Lawrence
Dennis Peterson, County Weed Director's Association of Kansas
Jim Johnson, Leprechaun Lawms, Topeka, Kansas
Vern McKinzie, Chair, Kansas Termite and Pest Control Association
Jim Herynk, President, Kansas Greenhouse Growers Association

The meeting was called to order by the Chairman. The hearing was opened on SB 543 - concerning the Kansas pesticide law; relating to the uniform application thereof.

Dale Lambly gave testimony stating they support SB 543 (Attachment 1).

Bill Fuller stated their delegation supports SB 543 (Attachment 2). A copy of Crop and Pesticide Record Book was distributed.

Donald R. Tannahill stated their organization has been instrumental in the initiation, drafting and development of the this legislation. They asked that the Committee vote in favor of it (Attachment 3).

Dave Murphy asked for support of SB 543 (Attachment 4).

Pat Ross said speaking as a concerned family farmer who farms in two different counties he supported the proposed legislation (Attachment 5).

Dennis Peterson said the County Weed Directors Association supported SB 543 (Attachment 6).

Jim Johnson testified on behalf of SB 543 (Attachment 7).

Vernon McKinzie said failure to adopt the bill could result in unnecessary added costs to local governments (Attachmnt 8).

Jim Herynk suggested that state laws regulating pesticide application should be based on sound scientific facts, easily understood by both the public and the industry, and have effective enforcement systems in place. He thought SB 543 would accomplish this (Attachment 9).

Written testimony was distributed by: Jim Coleman, on behalf of the Heart of America Golf Course Superintendents Association (Attachment 10); Bob Frey representing the Kansas Agricultural Aviation Association (Attachment 11); Rich McKee representing the Kansas Livestock Association (Attachment 12).

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Energy & Natural Resources,
room 423-S Statehouse, at 8:02 a.m.~~p.m.~~ on February 11, 1992

Senator Frahm moved that the minutes of the meeting of February 4 and 5 1992, be adopted. The motion was seconded by Senator Langworthy. The motion carried.

The Chairman announced due to time restraints the hearing would be continued at a later time, and the conferees that were unable to testify at this meeting would be notified.

The meeting was adjourned at 9:00 a.m., and the next meeting will be February 12, 1992.

1991 SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

Date 2-11-92

PLEASE PRINT

GUEST LIST

NAME

REPRESENTING

Tom R. Tunnell

Ks Grain & Feed Assn
Ks Fertilizer & Chem Assn

Bob Frey

Ks. Ag. Aviation Assn.

Sam Wells

Ks Co-op Council

Alan Holmes

DOB

Bill R. Fuller

Kansas Farm Bureau

Evan Swartz

SN. Co. Noxious Weeds

Dennis Peterson

Riley Co. Weed Dept.

Vernon McKinnis

Ks. Termites & Pest Control Assn

DAVE MURPHY

GREEN VALLEY Co.

Joe Studer

Ks Rural Center

Kristy Weiter

Ks Natural Resource Council

Bill Craven

Topeka Metro-News

Scott Andrews

Sierra Club

Margaret Fast

Ks Water Office

Jim Kauf

League of Ks Municipalities

Terry Heathman

KCCI

Howard W. Rice

KITWG

Jim Youally

Kan Pest Control Assoc

19-91 SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

Date 2-11-92

PLEASE PRINT

GUEST LIST

NAME

REPRESENTING

Glynn Praesel

AMERICAN CYANAMID

Chris Wilson

KS Fertilizer + Chemical Ass'n

Jim Coleman

Heart Cm. Golf Course Super Admin

Jim Henry

Kansas Greenhouse Growers Ass.

Jim Jansen

LEPRECHAUN LAWN - TOPERA

Don Tannahill

PLCAMA

Laura McClure

self.

Grace May

Kansas Associated Garden Clubs Inc

Mary F. Ross

Farmer

Patrick D. Ross

Farmer

Walter Samard

Herbicide + Pest Control Assoc

Rodney Biesenthal

Pottawatomie Co Noxious Weed

John Peterson

Beech Hill

Michael Robinson

leg. Intern

Steve Adams

KDWP

Greg Krissch

KSBA

Ken Wilke

CIBA-BEIGY

Kenneth M. Wilke

KSBA

Rich McKee

KLA

TESTIMONY

SENATE BILL NO. 543

DALE LAMBLEY
PLANT HEALTH DIVISION
KANSAS STATE BOARD OF AGRICULTURE

FEBRUARY 11, 1992

As you no doubt recognize Senate Bill No. 543 is a proposed amendment to the Kansas Pesticide Law. Upon enactment of the law in 1977, administrative duties were assigned to the Kansas State Board of Agriculture. The Plant Health Division is the unit within the Board which conducts the daily operations of the various pesticide programs so it is in that capacity that I come before you today. Needless to say, pesticides are a very active and controversial work area and one for which there is no real shortage of work to perform.

There is a substantial amount of historical background behind this particular bill and the issues it raises. Over the years there has been in this country an occasional attempt by a local unit of government to enact pesticide use restrictions. They were never successful because of the U.S. Environmental Protection Agency's stance that pesticide regulation was the sole prerogative of the federal government and the states working under federal primacy arrangements. Kansas, as you know, accepted federal primacy as did almost all other states. In the late 1980's there were some cases in California where the courts disagreed with EPA's stance. The entire situation was virtually turned upside down by a 1991 U.S. Supreme Court decision (Wisconsin public intervenor vs. Mortier) in which the court held that the language of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) did not pre-empt

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enactment of pesticide regulations by any local entity of government so long as those requirements were not less stringent than federal requirements. That decision began a debate which is occurring at the national level as well as in many states. At issue is whether pesticide regulation should be standardized at the national and state levels, as has been the case, or whether individual counties, cities, townships and other governmental entities should be free to adopt pesticide ordinances unique unto themselves. This is an issue that is going to be debated hotly at the national level where at least 3 different bills have been introduced, in other states also. From the perspective of persons with interest or concerns about pesticide use, this is a heavy issue - heavy to farmers and suburban homeowners, heavy to rural and urban based business entities using pesticides, important to environmental interests.

Because of our role as state pesticide regulator, I would like to share some of our observations with you today on Senate Bill 543. Senate Bill No. 543 provides for uniform state regulation of the sale and use of pesticides in Kansas. The meaning of the term "sale" is, I believe, self evident. However, some additional comment should be made relative to the term "use". "Use" under both state and federal pesticide laws relates to that which takes place when the pesticide is in the hands of the end user. It includes transporting the product home, mixing the spray solution, applying the material, and rinsing and properly disposing of the empty container. Consequently, use means more than just standing there with sprayer in hand. Therefore, although the terms disposal, storage, handling and so forth are used, they refer to actions of the end user. As a result, the bill would not affect state protection programs handled by other agencies which relate to pesticide

disposal, transportation, manufacture, storage, handling, chemical use reporting, emergency preparedness and so forth. The bill would affect the user and the type and uniformity of restrictions placed on the end user.

The bill if enacted would prevent counties, townships, municipalities and other local governmental entities from unilaterally enacting their own pesticide restrictions, but would still allow local entities to take action on a localized basis. The Kansas Pesticide Law currently provides two mechanisms which could be utilized to address needs which might be unique to certain classes of governmental units or to individual units. These are through (1) rules and regulations and (2) formal agreements. The statute currently authorizes the state administrative agency to enter into pesticide use agreements with other governmental entities. Consequently, S.B. 543 would function in some respects to establish the state as a central clearing house for pesticide use regulation.

Finally, it should be noted that many municipalities in Kansas require city occupational licenses for plumbers, electricians, pesticide businesses and others operating within the community. I know from experience that cities are often accused of enacting these requirements simply to raise funds. However, in most instances communities use the occupational license as an aid in keeping track of businesses operating in the area. These licenses provide a degree of consumer protection. S.B. 543 would have no effect upon city occupational licensing programs provided that they were registration programs only and did not impose any additional training or certification requirements.



PUBLIC POLICY STATEMENT

SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

**RE: S.B. 543 - Maintaining the uniform regulation
of pesticides in Kansas**

**February 11, 1992
Topeka, Kansas**

**Presented by:
Bill Fuller, Assistant Director
Public Affairs Division
Kansas Farm Bureau**

Chairman Doyen and members of the Committee:

My name is Bill Fuller, I am the Assistant Director of the Public Affairs Division for Kansas Farm Bureau. We certainly appreciate this opportunity to testify as a **proponent** of S.B. 543. Our statement is based upon new policy adopted by the voting delegates representing the 105 County Farm Bureaus at the Kansas Farm Bureau Annual Meeting on November 23, 1991.

Pesticides are important tools of production for many farmers and ranchers. In fact, they contribute significantly to production efficiency and the ability to produce an abundance of high quality food for consumers at an affordable price. We support the judicious and safe use of these crop protection products. We do not condone the misuse or over application of pesticides.

*ENR
2-11-92*

*Attachment 2
2-1*

The U.S. Supreme Court has ruled that the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) did not contain language that preempted the authority of local political subdivisions to enact pesticide regulations. Up to the time of the court ruling, FIFRA had been considered the standard for pesticide regulation nationwide.

Farm Bureau is part of the 147 member national "Coalition For Sensible Pesticide Policy". We support the bills that have been introduced in the U.S. House of Representatives and the U.S. Senate. We have been encouraged by several members of the Kansas delegation to work for passage of preemption legislation in the Kansas Legislature. They suggest the state legislature may be able to approve legislation more quickly and any state plan would strengthen their efforts in Washington, D.C.

S.B. 543 keeps the responsibility of pesticide regulation with state and federal governmental entities. The Kansas State Board of Agriculture administers the Kansas Pesticide Law. The Kansas Department of Health and Environment and the Kansas Department of Wildlife and Parks are two state agencies that also regulate pesticide use. We believe state and federal agencies have the professional staff, expertise and resources.

S.B. 543 does not take pesticide regulation away from local control in Kansas. The bill prevents locals from becoming involved. Most local governmental units do not have the expertise, personnel or dollars to set up regulatory programs. Local programs would put more pressure on the already overburdened property tax. This would result in competition with education and social programs for property tax funds.

We must realize the current state and federal regulations are not the only restrictions on pesticide use. Millions of dollars and years of research are required to develop and certify pesticides. The label contains many restrictions, prohibitions, precautions and instructions to protect the public health and the environment. This 99 page label for (Sencor) illustrates the details provided to assure proper use.

KFB Policy encourages farmers and ranchers to keep records on pesticide use. Kansas Farm Bureau developed and is distributing a **Crop and Pesticide Record Book** to help producers comply with a new 1990 Farm Bill Pesticide Recordkeeping requirement. Beginning January 1, 1992 all applicators using restricted use pesticides are required to keep records. Records must include the product name, amount used, date of application and location of application. Farmers interest in compliance is demonstrated by the fact that the first 2,500 book printing sold out in the first week. Another 4,000 books are now being printed and distributed. More demand for the record book is expected. We are providing you a copy of the Farm Bureau **Crop and Pesticide Record Book** for your review.

We appreciate this opportunity to testify as a proponent for S.B. 543. This issue is extremely important to agriculture and homeowners. We encourage you to approve S.B. 543. We believe passage of S.B. 543 will continue the uniform federal and state regulation of pesticides based on sound, scientific judgement and fact. Thank you!

Honorable Chairman and members of the Senate Energy and Natural Resources Committee. My name is Donald R. Tannahill. I am here to present the position of the Professional Lawn Care Association of Mid-America (PLCAMA). It is the desire of PLCAMA that Senate Bill No. 543 be passed as written. PLCAMA's reasons for the need of such legislations are:

- Current federal and state laws - developed by regulators with scientific and technical expertise not available on the local level - already afford sufficient protection.
- Uniformity of regulation state wide is a practical necessity for companies serving many communities.

PLCAMA is an organization which serves the Lawn Care Industry in both the states of Kansas and Missouri.

"Our mission is to provide education for ourselves and the general public, to participate in legislative issues and to promote success and professionalism within our industry".

As part of our Code of Ethics we seek

- "To provide employee training in the safe handling and use of pesticides, and monitor safety and environmental factors relating to services performed."
- "To abide by the laws and regulations affecting the industry and to promote enforcement. To acknowledge that governmental and recognized standards are the mutual responsibility of the manufacturer and user."

PLCAMA (with its current 85 Kansas member firms)

- has developed and an approved Registered Technician Training Manual for use by firms in Kansas and Missouri.
- sponsors certification, recertification and registered technician training for both Kansas and Missouri.

Why the need for the bill before you today? It is the result of a decision in 1991 by the United Supreme Court. concerning the Federal Insecticide Fungicide, and Rodenticide Act (FIFRA).

- "After the town (Casey, Wisconsin) issued a decision unfavorable to respondent Mortier on his application for a permit to spray a portion of his land, he brought a declaratory judgment in county court claiming, among

other things, that the ordinance was pre-empted by FIFRA. The court granted summary judgment for Mortier, and the Wisconsin Supreme Court affirmed, finding pre-emption on the ground that the Act's text and legislative history demonstrate a clearly manifest congressional intent to prohibit any regulation of pesticides by local governmental units." - Quoted from Supreme Court of the United States - Syllabus - Wisconsin Public Intervenor ET AL. v. Mortier ET AL.

- The United States Supreme Court in a 9-0 vote indicated that FIFRA did not prohibit authorities below State level from passing their own ordinances. Supreme Court Justice White in delivering the opinion of the Court states: "----we conclude FIFRA does not pre-empt the town's ordinance ----". In further writing he states "We agree that neither the language of the statute nor its legislative history, standing alone, would suffice to pre-empt local regulation. He also states "----- Congress is free to find that local regulation does wreak such havoc and enact legislation with the purpose of preventing it. We are satisfied, however, that Congress has not done so yet."

Supreme Court Justice Scalia, concurring in the judgment, discussed that they had reviewed the House and Senate Committee reports and confirmed the impression that the 50 States and Federal Government should provide an adequate number of regulatory jurisdictions.

Justice Scalia states "Clearer committee language "directing" the courts how to interpret a statute of Congress could not be found, and if such a direction had any binding effect, the question of interpretation in this case would be no question at all."

Further, Justice Scalia states "If I believed that the meaning of a statute is to be determined by committee reports, I would have to conclude that a meaning opposite to our judgment has been commanded three times over - not only by one committee in each house, but by two committees in one of them."

My personal interpretation of the courts decision and accompanying writings indicate FIFRA, as written, does not prevent local ordinances, however the congressional committees intent was to do so, and that without legislation to prevent local regulations, problems could be expected.

For your information - US Senate Bill # 2085 and US House of Representatives Bill # 3850 have been introduced to amend FIFRA to authorize the federal and state governments to exclusively regulate the use of pesticides

and would expressly prohibit local government regulation. Senator Dole was one of six (3 Democrats & 3 Senators) Senators that sponsored the Senate version. Representative Pat Roberts was one of 31 (16 Republicans & 15 Democrats) Representatives that sponsored the House version.

The immediate need for Kansas Legislation is emphasized by the recent request for an ordinance of the City of Lawrence. The presented ordinance (believed to be in the format of a national anti pesticide organization) would require:

- Posting - all property receiving pesticide application would need to be posted at least 72 hours prior to the application and 72 hours after application. (this would include residential, public lands or private lands subject to public use; commercial or multi-unit residential dwellings and golf courses.
- Recordkeeping - 20 years (Current State Requirement - 3 Years)
- Licensing and fees - must have city license and pay appropriate city fee. Each applicator must complete a city standardized test and complete a city safety course.
- Notification - written notification to all neighbors within 1000 foot radius - each tenant will receive written notification - - - all of the above at least 48 hours in advance of intended application.

This is just a small example of what could happen if each city is permitted to pass their own ordinance. Compounding the problem would be if a city passed an ordinance that went beyond their city limits which has been submitted by a city in another state. Or what happens if the county passed their own ordinance?

Professional Lawn Care Association of Mid-America has been instrumental in the initiation, drafting and development of the legislation you are now considering. We ask that you vote in favor of Senate Bill # 543.

Donald R. Tannahill
DONALD R. TANNAHILL, 11690 Renner Road, Olathe, Kansas
66061 - (913) 782-2561

See Attachment

attachment

I, the undersigned, support the need for and request your voting in favor of legislation for state preemption on pesticide regulations.

DATE - SIGNATURE - MAILING ADDRESS

DATE	SIGNATURE	MAILING ADDRESS
2/14/92	Tom Swift	3447 NW Brickyard Rd Topeka 66618
2/14/92	Joe Murphy	6412 Carter, Merriam, KS 66203
2/4/92	KEN POTTER	310 VALLEYVIEW CT ANDOVER, KS. 67002
2/4/92	Matthew K. Wayne	2850 S. NINTH Salina, KS. 67401
2/4/92	DAN FIORINO	2850 S. NINTH SALINA, KS 67401
2/4/92	Col. Feather Jr.	8343 TRAVIS O.P., KS. 66212
2/4/92	Randy Garren	7576 Rainbow Dr. PU KS 66208
2/4/92	Jack Ruckelshaus	30245 Hillside Wichita, KS 67216
2/4/92	W. D. Clark	10701 W 75 th Terr Apt 101 Shawnee KS 66215
2/4/92	James	8501 Oak Run Lane KS 66221
2/4/92	Buttner	12829 Sagamore Leeward Ksld 66209
2/4/92	James John	2730 SW 57 th Topeka, KS. 66609
2-4-92	Bill Win	13106 W 115 th O.P. KS. 66210
2-4-92	Mal	11010 W 72 nd TERR SHAWNEE, KS 66205
2-4-92	Joe Schuetz	318 W 79 th KC MO 64114
2-4-92	Jim Coleman	7015 Rene Shawnee KS 66216
2-4-92	Gregory Leonard	3035 SEMERIST WICHITA KS 67204
2-4-92	Jeffrey A. Chappell	8343 Beverly, Overland Park KS 66207
2/5/92	E. Gray Aldridge	15-22 N 99 th St, KC, K
2/4/92	W. G. Roubert	2730 SW 57 Topeka KS 66611
2/4/92	Carl Schroeder	10295 Woodland Lenexa, KS 66224
2/4/92	Joel Bewe	9164 W 90 th Overland Park KS 66214
2/4/92	John E. Long IV	15152 Monrovia, Overland Park KS 66221
2/4/92	Wicki Fraser	1011 N. Yale, Wichita, KS 67208
2-4-92	Don Wenzel	4431 Auburn Wichita KS 67220
2-4-92	Peter X. Solomon	407 Bay Country Ct. Wichita KS. 67235

I, the undersigned, support the need for and request your voting in favor of legislation for state preemption on pesticide regulations.

DATE - SIGNATURE - MAILING ADDRESS

2-4-92	Tom Beland	6701 W 82 nd O.P. KS. 66204
2-4-92	Loony Rytman	2321 E. Cedar Olathe KS 66042
2-4-92	Judith K Henry	7014 SW 73 rd Overland Park 66209
2-4-92	Mike Bell	6412 CARTER Merriam KS
2-4-92	Marbet Fausz	8141 W 56 Terr Merriam KS 66202
2-4-92	Michael J. Hyer	503 N Mesquite Olathe KS 66061
2-7-92	Dave Pellett	1046 Penn Lawrence KS 66044
2/4/92	Steve Dale	3026 S. Hillside Wichita KS 67211
2/4/92	Chung Wenat	4431 Auburn Wichita 67200
2/4/92	John M. Hunt	2396 "151 st Stanley To 66224
2/4/92	Mark Good	8050 LAKEVIEW Lenexa, KS 66219
2/4/92	Michael J. Wade	814 NW Hillside Pkville MO 64152
2/4/92	Michael Vandenberg	6400 LARSEN LANE SHAWNEE KS 66202
2/4/92	Gary Custer	9921 W 128 th Terr O.P. KS 66215
2/4/92	John Hunter	14531 W 91 Terr Lenexa KS 66215
2-4-92	Larry Ryan	490 W. 101 Terr. O.P., KS 66207
2/4/92	John C. Lora	3220 SW 31 st TOPPEA, KS 66611
2/5/92	Steve Goodwin	P.O. Box 12614 . O.P., KS. 66212
2/5/92	Steve Schuch	9978 Fairlane Lenexa KS 66215
2/5/92	Sierra Christian	12057 W. 77 Terr Lawrence KS 66211
2/5/92	Charles A. Elwarden	2625 S West Terr Wichita KS 67217
2/5/92	Donna Bell	2625 S. West Terr Wichita KS 67217
2/5/92	Paul S. Wetters	Rt 1 Box 39 F Edgerton KS 66021
2/5/92	Donna C. Rust	607 W. Santa Fe Gardner, KS 66030
2/5/92	Jim Ector	3310 W. 71 Terr. P.V. KS. 66208
2/5/92	Paul D. St	1802 Vermont St. Lawrence 3-5

My name is Dave Murphy. I am the owner of a small lawn service in Merriam Kansas. I have 8 employees, four of which apply pesticides. Like myself, they are State certified pesticide applicators.

On June 21, 1991 the Supreme Court of the United States overturned a long standing assumption that state and federal pesticide policies preempt local jurisdictions.

The court concluded that although congressional committee reports arguably supported the preemption argument, the expressed language of the statute itself did not provide sufficient justification for preempting local regulation of pesticides.

Justice White concluded "...Congress is free to find that local regulation does wreak havoc and enact legislation with the purpose of preventing it. We are satisfied, however, that Congress has not done so yet."

Representative Pat Roberts clearly stated one of our industries major concerns. While writing to me about similar legislation recently introduced at the federal level, he said, " Without this legislation, pesticide users and producers could become subject to the most convoluted regulatory maze ever conceived. The biggest concern is that individuals with little experience or expertise will be responsible for developing pesticide policy. The potential adverse effect to the lawn care, agriculture and pest control industries is great."

In my business, at no time are our trucks more than 25 miles from our office, yet we service lawns and trees in 50 townships and 5 counties within that 25 mile radius. When each subdivision starts having their own conflicting and overlapping regulations I will be out of business. Lawn care businesses will not be the only ones to suffer.

The opponents of this bill will try to show how clearly they have thought this thing out. Let me give you some examples of what they want.

Case 1.

Within two weeks of the supreme court decision in June of 1991, Lake Winnebago, a small community in the Kansas

City metropolitan area, tried to adopt an ordinance banning most of the pesticides which residents need to maintain their property and health. The ordinance was proposed by ^{THE} ~~an anti pesticide activist~~ mayor to protect their lake from being contaminated by pesticides. After decades of residential lawn care pesticides no trace of pesticides could be found in the lake. Even though the mayor had this information in her possession, her unreasonable fear of pesticides overcame all common sense and good judgement.

Case 2.

A few activists are trying to get the City of Lawrence to force industry and residents into an impossible situation.

They want everyone to post signs around their property 48 hours in advance of, and for 48 hours after, any pesticide application that the public could be exposed to (even the smell).

Fourty eight hours before a pesticide application can be made, all persons within 1000 feet of the property must be notified. There would also be a list of people who must be contacted no matter where you live that must be contacted in advance.

In Missoula, Montana different chapters of the same activist/critic groups proposed a similar ordinance. The ordinance included any pesticide applications made, including 5 miles OUTSIDE town limits. Other proposed ordinances around the country have included 7 days prior notice. One proposal in Plum, PA would require residents to remain in their homes during the fumigation of their home (I suppose this would cut down on the number of people who would want to have fumigation done again).

There is a pattern here. This is what the opponents call "reasonable pesticide policy".

Can you imagine the phone and the door bell ringing at all hours of the day and night with nearly every person in the community trying desperately to contact every other person in the community so that they can spray their roses.

The opponents want you to think that their's is the selfless voice of reason. All it takes is a look at their record on local ordinances for the last 6 months to discover their definition of the word "reason" is spelled p-h-o-b-i-a.

Not all of our senior or disabled citizens are physically able to spend this much time & energy to satisfy these extremists. What of the hundreds of thousands of people with pollen and fungus allergies? Weed pollen and fungus infected grass and weeds causes unmeasurable health problems already. The control of weeds and fungus problems are more than a convenience for these people. Many of them are our customers who need our service in a timely, affordable, consistent manner.

Our customers don't want to call the pesticide party's hot line prior to having their lawns treated for weeds so the activist can come over to chant slogans on the lawn as the weeds are sprayed.

Some might say that we are taking away the rights of local citizens to have a voice in the area of pesticide regulation. To the contrary, we believe that local input into this important area is wholly justified and highly desirable. However, we also believe that the public health and safety are best served when local government works with the state to accomplish the goals that are unique to local needs AND consistent with an overall policy of science based judgement.

Pesticides have been used in lawn care for over 40 years. Even after 40 years they cannot point to a single death related to a lawn care treatment. It just hasn't happened.

Because of what I just said, the opponents will try to put words in my mouth. They will claim that I said pesticides aren't dangerous or have no risk. That is not what I said. We all know that everything in life has risks. If you stay in bed the roof will collapse. If you get out of bed you may fall down. If you walk to work you may get hit by a car. If you drive to work you may be hit anyway.

Pesticide use is no different. They are important tools of agriculture, horticulture and sanitation. Used with respect, and controlled by sound government policies, they have provided us all with a greatly improved standard of health, life and well being.

Their ongoing attack on the Board of Agriculture is a knee jerk reaction. No matter how much the Board does or could do, the opponents will never be satisfied.

The technical staff of the Kansas Board of Agriculture's Plant Health Division had the fore site in 1988 to see on the horizon the need for pesticide management areas. They proposed the concept to the legislature. The legislature amended the Kansas Pesticide Law to incorporate provisions for pesticide management areas. The law became effective in 1989. In 1990 the administration of the Plant Health Division began to seriously look at and make plans to address the problems of atrazine in ground and surface water.

In 1991 the administration of the Plant Health Division convinced the administration of the Board of Agriculture that the potential for atrazine in ground and surface waters to be a significant problem and should be addressed. The process to establish a pesticide management area was undertaken.

A technical advisory committee was formed to make recommendations for the Delaware water shed area. This committee made its recommendations at the end of 1991. The process is still going on. Public hearings must be held before any final decisions are reached.

Yet in a new release on January 29, 1992 a coalition of activist/critics claimed the decision had been made. Case closed. It was no coincidence that they timed this news release the same day as this bill was introduced in committee.

The Kansas Board of Agriculture has been criticized by the same group of activists that plague every other board or department that regulates the use of pesticides in every other state. Across the whole country this extremely small, but very vocal minority never changes its tune. Each state's regulatory policy will be wrong.

Nothing will change that.

These pesticide critics are already trying to lay blame for inaction at the feet of the Board. This, despite the fact that four years ago it was the Board of Agriculture's vision to accomplish these goals that are perhaps 5 years ahead of the rest of the country. Public hearings must take place before a decision can be reached.

The lawn care industry stands 100% behind the recommendations of the Delaware water shed committee. The oponents of this bill are also in agreement. However, those who want to take pesticide management away from the Board of Agriculture are trying to prejudge the Boards final decision even before public hearings are started. They want to undermine the Board's credibility so bad they're unable to wait for the process to work.

Activist/critics have publicly accused the Board of Agriculture of violating federal laws in a new release on January 29, 1992. This is typical of the random, vicious, unsupported attack they are making to take attention off the facts and into the arena of foul play.

If adopted, and it will be, this will be one of the first, if not THE first pesticide management area in the country. Kansas is not first because we have any worse conditions than other states. Kansas is first in managing pesticides responsibly because the Kansas Board of Agriculture works so well. And their critics can't stand that either.

History has proven over and over again that the Kansas Board of Agriculture has governed the professional lawn care industry with a degree of excellence that is unmatched in other states.

Example 1:

Almost 20 years ago Kansas was one of the first to have a pesticide certification program, whereby professional pesticide applicators had to study and take a stringent state test to have a pesticide business or supervise the use of pesticides. After nearly 17 years

many states still have no more than a weak reflection of our strong requirements for professional pesticide applicators.

I worked with people in Nebraska just two years ago trying to help them get a state certification and testing program started. Kansas beat them by 15 years. Other states have never reached the degree of professionalism that the Kansas Pesticide Law required nearly two decades ago.

Example 2:

Just three years ago Kansas was first again. With the support of the lawn care industry, the Board of Agriculture instituted a registered technician program, which requires even the newest employees receive verifiable training before applying pesticides without a certified applicator physically present. Kansas was first in the whole country.

Since then other states have followed suit with their own registered technician training requirements. Now the federal government is talking about recommending standards of training for entry level pesticide applicators. Kansas, first in responsible pesticide management, exceeds all requirements being considered.

The Kansas Board of Agriculture is three to four years ahead of other states in the development of pesticide management areas. They are 17 years ahead of many other states in the development of stringent qualifications for professional pesticide applicators. They are at least 7 years ahead of most of the rest of the country in requiring training of entry level pesticide workers for the lawn care industry.

The critics say letting the Board of Agriculture manage pesticides is like letting the fox guard the hen house. Those phrases sound catchy, but make no sense when you have facts in hand instead of rhetoric. The opponents want you to believe that the Board of Agriculture conspired to dream up this idea of preemption. This is absolutely false. The ideas of state preemption were not invented by the Kansas Board of Ag, nor by Kansas industry. We've had it for a long time. We want to keep

it. So do all the states and so does the federal government. This was not cooked up behind closed doors as the activist/critics have stated in their press releases.

As an example: On August 5, 1991 the National Association of State Departments of Agriculture resolved "that the regulation of pesticides under FIFRA remain solely within the framework of federal and state government...that the proposal should be implemented by encouraging states to enact appropriate legislation that preempts local government regulation of pesticides. Further, the U.S. Congress should be encouraged to amend FIFRA to preempt local government regulation.

I have had conversations with staff members of the Board of Ag. On this subject I have spoken only twice with just one member of the Board. In August I gave a staff member an example of preemption language being proposed in another state and asked for an attorney from the Boards staff to look at it, change it or draft it differently so that it would mesh properly with Kansas law. It took about 2 1/2 months for any response.

They initially proposed a very weak document that would have changed very little, if anything. Upon insistence and several more calls from myself and others we finally got a reply. At the request of several citizens a meeting was held at the Board of Agriculture building. There were a number of representatives from other industries present. A staff person from the Kansas Department of Health was there also. The draft I had requested did not entirely meet with the groups approval. A week or two later a meeting was held at another location. At this meeting it was determined that the idea of state preemption, which had been pushed for, originally drafted and supported by many industries, should be drafted in its final wording and submitted by those citizens who took the lead from the beginning. The Board of Agriculture was only involved as an outside source of legal information.

At this time, there are no local governments in Kansas that have any pesticide ordinances. Local governments don't want to become saddled with a choice between enacting unrealistic ordinances or facing an annual

battle with highly vocal activist threatening news conferences to scare the local citizens with anecdotal stories and hearsay.

Will my customers be able to hire my company to spray for ticks so they can use their lawns without risk of Lyme disease when our area is infested. I could make the same point about allergies to bee stings, pollen allergies, mold allergies, wasp stings, mosquitoes, rodents, and many other pests my customers need help with for known aesthetic, economic and health reasons. If we allow the opponents to dismantle our best regulatory system, tens of thousands of people suffer from these sometimes debilitating ailments to satisfy emotionally motivated ordinances caused by the artificially implanted fears that have been cultivated by the opponents.

My mother is over 60 years old. When she needs to spray her roses she could never notify people within a 1000 feet of her garden. If she needs to have the wasps in her car port sprayed, she needs it done today, before someone is hurt.

My small business serves 50 different townships. They physically run together, the borders are obscure. They are overlaid by 5 counties. When each town requires a different size and colored sign for the lawn, and different prenotification period, and different materials that are approved. We will be unable to provide service. Some communities, out of unreasonable fear, may not allow a lawn service truck or a termite control company to drive through their towns to service other communities.

The counties have the responsibility of controlling noxious weeds. This is required by the state for important health and economic reasons. Yet some townships could make it impossible to control those weeds that the county must control by state law.

Likewise a similar scenario can be described for mosquito abatement. Encephalitis was not uncommon until the state began mosquito control programs.

Some townships would interfere with these, and other

important state health and pest control programs, causing damage to both life, health and property.

If a community wants to have a reasonable sign posting policy, lets work with the state to develop a standard format. For the few people who have a medical reason to avoid pesticides, the state could develop a registry so professionals could notify them in advance. This type of partnership has worked well in other states. This is what we are asking for today. Any policies that are adopted should be based on science and good judgement and should be standardized.

This isn't about big business against environmentalists. This is about people's rights to protect their homes, health and property, as people do all over the country. By an affirmative vote on this bill you will preserve the rights of Kansans to do what they have been doing for many years. To vote no is to take away those rights and dismantle our best source of pesticide regulation.

The issues surrounding pesticide regulation are complex. This complexity demands that we rely on sound, scientific judgement based on fact. When regulations are based on fear, hysteria, and other unscientific grounds, we stand to lose many benefits and we threaten to dismantle our most effective regulatory mechanism.

The history of federal and state preemption is a fact. It worked for 20 years. In the brief 6 months since the shield of preemption has been lowered we've only just begun to see the convoluted logic and chaos the opponents want to unleash.

Before Kansans have to endure the chaos, havoc, hardship and economic loss, return pesticide policy making where history has proven it belongs, with the state of Kansas and the federal government working in partnership with, and in service to, local government.

In the strongest way possible, I ask you to please support Senate Bill 543.

To: Senator Ross Doyen, Chairman
Energy and Natural Resources Committee
Committee members
Staff members

From: Pat Ross, farmer
R. R. 4
Lawrence, KS 66044

I have traveled to Topeka to testify in favor of Senate Bill 543.

Our farming operation covers 2,000 acres of crop land and 800 acres of grassland located in Douglas, Jefferson and Leavenworth counties. The land is located in five different townships and within the City of Lawrence. That is 9 different units of government. Trying to comply with 9 different pesticide ordinances would be a nightmare.

It is because we farm within the boundaries of so many units of government, (we are not unique in this) that I encourage you to act positively on this bill.

We farm next to the City of Lawrence, within the City of Lawrence and for the City of Lawrence. They have already been approached at their November 26, 1991 meeting to pass an ordinance regulating the use of chemicals within the city limits. They have not taken action on the proposal at this time.

In conclusion, I'm here speaking to you as a concerned family farmer, not unlike many other farmers here in Kansas, that feel that local pesticide regulations would be detrimental and very difficult to follow on our farms.

Senate Bill 543 is needed in Kansas.

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COUNTY WEED DIRECTOR'S ASSOCIATION OF KANSAS

February 11, 1992

The County Weed Director's Association of Kansas supports Senate Bill 543. We feel that state and federal laws are essential to the safety of pesticide application in the state of Kansas. Our association believes that the Kansas Pesticide Law, enforced by the Kansas State Board of Agriculture, provides for a uniform, safe, and effective means of regulating pesticide use in the state of Kansas.

Allowing local authorities to enact their own regulations when dealing with pesticides brings up the following problems:

1. Under the Noxious Weed Law, the state of Kansas approves pesticides for cost-share use to control each noxious weed. Allowing local authorities to ban or restrict the use of these pesticides in a particular area would make control of noxious weeds difficult and make enforcement of the Kansas Noxious Weed Law impossible.
2. Presently, the Kansas State Board of Agriculture, Plant Health Division, Pesticide Use Section, is responsible for enforcement of the Kansas Pesticide Law. Who is going to enforce regulations established by local authorities? At present, there is not sufficient expertise to enact and enforce pesticide regulations on a local level.

The Board of Directors of the County Weed Director's Association of Kansas have voted unanimously to support this legislation and feel that it is essential that the Kansas Pesticide Law remains intact and under the enforcement of the Kansas State Board of Agriculture.

We urge you to support Senate Bill 543.

Dennis Peterson
Secretary
County Weed Director's Association of Kansas



Leprechaun Lawns *"for a magically green lawn"*

FEBRUARY 11, 1992

STATE OF KANSAS
SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

RE: HEARING - SENATE BILL NO. 543

LADIES AND GENTLEMEN,

MY NAME IS JIM JOHNSON. I AM PRESIDENT AND OWNER OF LEPRECHAUN LAWNS, TOPEKA, KANSAS.

LET ME FIRST SAY I APPRECIATE THE OPPORTUNITY TO TESTIFY ON BEHALF AND IN FAVOR OF SENATE BILL NO. 543, PROHIBITING ANY AUTHORITY LOWER THAN THE STATE LEVEL FROM ESTABLISHING THEIR OWN REGULATIONS CONCERNING THE USE OF PESTICIDES.

I AM NOT HERE TO TRY TO TAKE A RIGHT OF A COMMUNITY AWAY. I AM HERE TO TRY TO CONVINCE YOU TO KEEP THE MAJOR DECISIONS LIKE THE USE OF PESTICIDES ON A STATE OR FEDERAL LEVEL. WHEN COMMUNITIES ARE TRYING TO MAKE A DECISION OF THIS NATURE, IS IT DIFFICULT FOR THEM TO HAVE ACCESS TO THE SCIENTIFIC FACTS AND IN MANY CASES MAY LET EMOTIONS BE THEIR ONLY GUIDE. WE KNOW THAT IN ORDER FOR A SOLID DECISION TO BE MADE IT IS IMPORTANT TO EXPLORE ALL AVENUES SO THE PROPER RESULTS WILL FOLLOW.

I FELT IN THE CITY COUNCIL MEETINGS AND IN PRIVATE MEETINGS I HAVE ATTENDED THAT THE MAIN FOCUS POINT WAS TO TRY TO CONTROL THE USE OF PESTICIDES BEING APPLIED PRIMARILY BY LAWN CARE OPERATORS. NO MENTION WAS MADE OF THE HOMEOWNERS USE OF BASICALLY THE SAME PRODUCTS BEING PURCHASED AT THE LOCAL HARDWARE OR GARDEN STORE. SHOULD LOCAL COMMUNITIES BE ALLOWED TO REGULATE THE USE OF PESTICIDES, THEN IT MUST BE ACROSS THE BOARD TO INCLUDE NOT ONLY THE LAWN CARE OPERATORS, BUT ALSO THE HOMEOWNERS. IT SHOULD BE KNOWN THAT LAWN CARE OPERATORS APPLY LESS THAN 18% OF THE TOTAL PESTICIDES BEING USED. IT WOULD BE UNJUST TO REGULATE ONLY 18% AND LEAVE THE 82% TO DO AS THEY PLEASE.

I AM SURE THERE ARE MANY, MANY MORE VIOLATIONS OF PESTICIDE USE BY THE HOMEOWNER THAN THERE ARE BY LAWN CARE OPERATORS. IN MY 10 YEARS IN THE LAWN BUSINESS I HAVE FOUND VERY FEW OUTSIDE THE BUSINESS THAT KNEW HOW TO READ A PRODUCT LABEL OR HOW TO PROPERLY

KANSAS
TURFGRASS
FOUNDATION

2730 SW 57th • Topeka, Kansas 66609

(913) 862-9461

PROFESSIONAL LAWN CARE ASSOCIATION



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Leprechaun Lawns *"for a magically green lawn"*

MIX AND APPLY THE PRODUCTS. I COME ACROSS THE "IF ONE OUNCE IS GOOD, THEN TWO SHOULD BE BETTER, OR THREE SHOULD BE GREAT" SCHOOL OF THOUGHT ENOUGH TIMES TO CAUSE SLEEPLESS NIGHTS. SEVERAL WELL INTENTIONED GROUPS HAVE EVEN GONE AS FAR AS USING THE "MATERIAL SAFETY DATA" SHEET TO TRY TO ESTABLISH DANGERS OF THE PRODUCTS WE USE. WHEN THE INFORMATION ON THE MSDS IS PRESENTED TO THE CITY COUNCILS, THEY FAIL TO INFORM THE COMMISSIONERS THAT THE MSDS IS FOR THE RAW PRODUCT ONLY AND APPLIES BASICALLY FOR THE MIXING PROCEDURE AND NOT FOR THE APPLICATION PROCESS. THIS FORMS A MOOD FOR AN EMOTIONAL REACTION RATHER THAN ONE DECISION BASED ON SCIENTIFIC FACTS.

WE AS LAWN CARE OPERATORS ARE LICENSED, INSURED AND TRAINED. WE ARE REGULATED BY THE KANSAS STATE BOARD OF AGRICULTURE AND MUST PROVE OUR PERSONNEL ARE QUALIFIED TO APPLY PESTICIDES BY PROVIDING THE TRAINING TO THEM AS REQUIRED BY THE STATE. WE ARE ALSO REQUIRED TO LIST ON EACH INVOICE WE LEAVE WITH OUR CUSTOMERS THE NAME OF THE PESTICIDE USED, THE CONCENTRATION AND THE E.P.A. REGISTRATION NUMBERS. WE MUST ALSO PROVIDE COMPLETE INFORMATION ON TIME OF THE APPLICATION, WIND SPEED AND DIRECTION.

MY COMPANY CURRENTLY SERVICES 6 COUNTIES AND 26 CITIES IN KANSAS. SHOULD EACH COMMUNITY BE ALLOWED TO ESTABLISH THEIR OWN LOCAL REGULATIONS IT WOULD CREATE A BOOKKEEPING AND POLICING NIGHTMARE. THIS WOULD REQUIRE ME TO ESTABLISH NEW POLICIES AND PROCEDURES FOR EACH COMMUNITY THEREBY ADDING TO MY OVERALL COST OF OPERATION WHICH WOULD NEED TO BE PASTED ON TO THE CONSUMER. I DO NOT FEEL IT IS FAIR FOR MY CUSTOMERS TO BE PENALIZED DUE TO A LOCAL LAW THAT REQUIRES ME TO CHANGE MY MODE OF OPERATION WHEN THEIR NEIGHBORS WILL BE ALLOWED TO TREAT THEIR OWN LAWNS AS THEY WISH. I, AS ANY PROFESSIONAL LAWN CARE OPERATOR, AM MORE THAN HAPPY TO CALL AHEAD OUR CUSTOMERS WHO REQUEST IT, OR TO NOTIFY A CONCERNED NEIGHBOR BEFORE WE MAKE AN APPLICATION, AND WILL PROVIDE TO THEM THE INFORMATION I HAVE BEEN SUPPLIED CONCERNING OUR PRODUCTS.

I HOPE YOU CAN SEE THE DIFFICULTIES WITH LOCAL REGULATIONS AND RESPECTFULLY REQUEST YOU KEEP THE REGULATION OF PESTICIDE USE AT THE STATE OR FEDERAL LEVEL.

THANK YOU AGAIN FOR ALLOWING ME TO TESTIFY.

JAMES B. JOHNSON, PRESIDENT/LEPRECHAUN LAWNS - TOPEKA

T E S T I M O N Y

Presented to

Senate Committee on Energy and Natural Resources
February 11, 1992

Mr. Chairman and members of the committee:

Thank you for the opportunity to appear before you today. My name is Vernon McKinzie from Emporia. I am a Board Certified Entomologist and own pest control businesses in Emporia, Manhattan and Parsons. I am chair of the Kansas Termite and Pest Control Association (KTPCA) Government Affairs committee and I represent the association in that capacity today.

We support Senate Bill 543 and urge your passage of the bill as it appears before you. Our association members are responsible for over a million different pesticide applications to structures in the state annually, including termite control, roach control, flea control plus rodent and pest bird control. Presently our industry is licensed, certified and registered at the state level.

A U.S. Supreme Court decision handed down in June 1991 (Wisconsin Public Intervenor vs. Mortier) found that the Federal Insecticide Fungicide and Rodenticide Act (FIFRA) the Environmental Protection agency (EPA) and the States could not pre-empt local ordinances regulating pesticide use. Since this ruling, over 80 local units of government have begun to consider local ordinances.

My company currently serves customers in 79 cities and over a dozen counties. If each of these governmental units were permitted to enact regulations independent of one another, conflicts would arise and havoc would result making it difficult or impossible for us to serve our customers needs. An example could be the city of Emporia enacting a regulation requiring certain procedures be met, and Lyon county enacting regulations in conflict with the city or vice versa. Most of our association members serve multiple communities also.

Justice Byron White wrote on page 16 of the Supreme Court decision...
"Congress is free to find that local regulation does wreak such havoc and enact legislation with the purpose of preventing it".

If cities and counties are to regulate pesticide usage, they may need to meet training, certification and regulatory requirements and enter a written contract with EPA to implement the laws and regulations. This will no doubt result in added costs to local governments to provide a program already in place at the State level.

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I understand most of the trade groups (carpenters, electricians, plumbers) as well as professional groups (architects, attorneys, barbers, doctors, physical therapists, nurses, veterinarians, etc.) are licensed on a state level in Kansas and are not further regulated on a local basis. KTPCA thinks SB 543 insures similar recognition for pesticide applicators.

A comprehensive and complete structure is now in place at the state level in Kansas to regulate pesticide usage. Enforcement is carried out by a technically competent and experienced staff. This experienced staff is available at no cost to local governments.

If local ordinances were to be adopted, they would not only create havoc, but duplicate an already existing state system that works well.

We think the adoption of SB 543 will insure the citizens of Kansas continue to have their pest control needs met in a safe and economical manner under a well regulated state program that also protects the health and welfare of all citizens. Failure to adopt the bill could result in unnecessary added costs to local governments, lack of effective and knowledgeable enforcement, a patchwork of conflicting ordinances, and decreased availability of professional pest control services.

We urge your adoption of Senate Bill 543. Thank you. Are there any questions?

To: Members of the Senate Energy and Natural Resources Committee

From: James F. Herynk, President, Kansas Greenhouse Growers Association

Re: Senate Bill 543

My name is Jim Herynk, and I am the president of the Kansas Greenhouse Growers Association. We have 212 members. Our industry has retail sales of Kansas produced plants of over 156 million dollars a year. We are a viable source of income and employment for the state of Kansas.

The Kansas Greenhouse Growers Association believe that the people of Kansas deserve a scientifically sound pesticide regulatory system...I repeat, scientifically sound. We also believe that a state system would best serve the interests of both the people of Kansas and the industry. We do not believe that a hodge podge of local laws will serve that purpose, and that emotion, here say, media attention, and reactionism will take precedent over sound scientific judgements.

Our industry relies on recommendations from Kansas State University scientists about appropriate chemicals to use for specific problems and what rates to apply these chemicals. Without state wide regulations the different laws of 105 counties, thousands of towns and townships would have to be considered before a scientifically sound recommendation could be made. A grower on one side of the street may be subject to an entirely different set of regulations simply because a county line separates the two.

I can barely keep up with the laws of one governing entity; doing business in 10 to 12 different towns would require me to stay knowledgeable of 10 to 12 different sets of regulations. This would become a paperwork nightmare, and probably impossible for anyone but a trained lawyer. What I provide to one customer, I may not be able to provide to another, simply because they are in a different governing entity.

Think about this as you drive through Shawnee County. Where does one governing agent begin and end? Where do township limits end? Where are the city limits? Does the average person really know?

I recently was involved in an accident. The Topeka City Police responded. After completing the paperwork, they questioned whether it was really their jurisdiction or should the Shawnee County Sheriff have been called? Can there be effective enforcement under these circumstances?

I suggest that state laws regulating pesticide application should be based on sound scientific facts, easily understood by both the public and the industry, and have effective enforcement systems in place. We believe that this can be done most effectively at the state level and therefore support this bill.

Thank you...

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Organized
1933

The Heart of America Golf Course Superintendents Assn.

TO: ALL MEMBERS OF THE SENATE COMMITTEE ON ENERGY AND
NATURAL RESOURCES

FROM: THE HEART OF AMERICA GOLF COURSE SUPERINTENDENTS
ASSOCIATION

SUBJECT: SUPPORT FOR THE SENATE BILL #543

We the members of the Heart of America Golf Course Superintendents Association would strongly request that you pass S.B. 543.

We feel that it was never the Federal Governments intent to have pesticides regulated at any level of government lower that the state. This would seem to be consistent with the two Federal Bills introduced in Congress, Senate Bill 2085 and House Bill 3850. Both bills will limit pesticide regulation to the Federal and State level of government.

The State of Kansas needs a pesticide law that is good for all Kansans and is based on scientific research and not emotion nor allegations.

Our golf courses are very fragile ecosystem. We are trying to sustain several different grass momocultures in less than favorable climates. Because these grass types are under stress most of the year, we must rely on the use of pesticides to overcome natures damaging attacks on the fine turfs we grow.

We hope that you will recognize the many beneficial aspects of the golf courses in your community, and support our efforts to improve and protect our working environment.

Sincerely,

Jim Coleman

Jim Coleman
Government Affairs Chairman

JC/nk

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Before the
Senate Energy and Natural Resources Committee
Testimony of
The Kansas Agricultural Aviation Association
regarding
Senate Bill 543

The Kansas Agricultural Aviation Association, representing aerial applicators licensed in Kansas, endorses and supports S.B. 543

Kansas aerial applicators long have recognized and respected the need for regulation of the use of pesticides. It has been our belief that safe and responsible use of pesticides has the very first priority in all of our operations. We do believe, however, that regulation of the use of pesticides must be done in a uniform, fair, and well coordinated manner. This must be so in order that all persons of the State of Kansas can comply with the law without confusion and without conflicting regulations which may result from local government regulation.

Senate Bill 543 mandates all regulation be carried on by the State of Kansas in a coordinated manner with federal laws and regulations. We support that concept and thus, we support S.B. 543.

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attachment 11*



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Owns and Publishes The Kansas STOCKMAN magazine and KLA News & Market Report newsletter.

February 11, 1992

**STATEMENT OF THE
KANSAS LIVESTOCK ASSOCIATION
TO THE COMMITTEE OF
ENERGY AND NATURAL RESOURCES
SENATOR ROSS DOYEN, CHAIRMAN**

WITH RESPECT TO SB 543

Presented by

Rich McKee

Executive Secretary, Feedlot Division

Mr. Chairman and members of the committee, the Kansas Livestock Association supports Senate Bill 543. This proposal will allow consistency in pesticide regulation. Furthermore, with the passage of this bill, Kansas citizens will be assured that they will only have to call one agency to determine what pesticide regulations/restrictions may apply.

Thank you for considering our support for this measure.

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