

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Joann Flower at 9:04 a.m. on January 18, 1995, in Room 423-S of the Capitol.

All members were present except: Representative Freeborn - Excused

Committee staff present: Raney Gilliland, Legislative Research Department  
Kay Scarlett, Committee Secretary

Conferees appearing before the committee:

Allie Devine, Secretary of Agriculture, Department of Agriculture  
Eldon Fastrup, Director of Domestic & International Marketing, Division of Marketing  
Larry Woodson, Director, Division of Inspections  
Wayland Anderson, Assistant Chief Engineer, Division of Water Resources  
Forrest St. Aubin, Director, Division of Plant Health

Others attending: See attached list

Chairperson Flower welcomed everyone and introduced the new Secretary of Agriculture, Allie Devine. Secretary Devine then introduced the many members of the Department of Agriculture in attendance.

Secretary Devine addressed the committee and gave a little of her background stating that she had both a law degree and a masters in agriculture law. She stated that she had worked at every level of government regulation, with agriculture being one of the most heavily regulated industries, both at the federal and state levels. She felt the department should be efficient and simple, and should be run with a little common sense. They are currently working on a paperless regulatory system. It is their goal to enhance business, not hinder it. (Attachment 1, pages 2-3)

Eldon Fastrup, Director of Domestic & International Marketing, Division of Marketing, explained how the Division of Marketing was organized into two major programs: Agricultural Market Promotion and Development, and Grain Commodity Research and Market Development. He explained the structure and funding of each program. He discussed various promotion and development programs conducted by the division. (Attachment 1, pages 14-26)

Larry Woodson, Director, Division of Inspections, reported on the varied responsibilities of the Division of Inspections. There are four program areas within the division: Dairy, Meat & Poultry, Weights and Measures, and Agricultural Commodities Assurance Program. He stated that there were three common denominators to the laws and programs assigned to the inspection program which he referred to as Q2S or Quality, Quantity, and Safety, with Safety being the most critical. (Attachment 1, pages 3-7) (Attachment 2)

Wayland Anderson, Assistant Chief Engineer, Division of Water Resources, explained the duties of his division as they relate to the management, distribution, and regulation of the water resources in the state. The division's responsibilities fall into three main areas: water structures, interstate water matters, and water rights. (Attachment 1, pages 8-13) (Attachment 3)

Forrest St. Aubin, Director, Division of Plant Health, stated that his division was responsible for the control of plant pests and pesticide use. He explained how his division administers eight plant protection and pesticide management laws listed in the statutes. (Attachment 1, pages 27-32) (Attachment 4)

Chairperson Flower thanked Secretary Devine and the directors for their informative update on the responsibilities and functions of the various divisions within the Department of Agriculture. The Chair emphasized that all meetings involving the Agriculture Committee in any way are open to all interested parties.

The meeting adjourned at 10:45 a.m. The next meeting is scheduled for January 19, 1995.

# HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: January 18, 1995

| NAME                       | REPRESENTING                    |
|----------------------------|---------------------------------|
| <i>Jeane Wilkins</i>       | <i>KAWCo</i>                    |
| <i>Don JACKA</i>           | <i>ST. DEPT. OF Agriculture</i> |
| <i>Jamie Clover Adams</i>  | <i>KGFA / KFCA</i>              |
| <i>Marty Vanier</i>        | <i>KAA</i>                      |
| <i>Diane Gruver</i>        | <i>K's Co-op Council</i>        |
| <i>Alan Holmes</i>         | <i>Division of Budget</i>       |
| <i>STAN WARD</i>           | <i>KS DEPARTMENT OF AG</i>      |
| <i>T.J. Byram</i>          | <i>KS Dept of AG.</i>           |
| <i>MAX FOSTER</i>          | <i>" " " "</i>                  |
| <i>FORREST ST. AUBIN</i>   | <i>" " " "</i>                  |
| <i>Eldon R. Fastrop</i>    | <i>" " " "</i>                  |
| <i>Leland E. Rolfs</i>     | <i>" " " "</i>                  |
| <i>Wayland J. Anderson</i> | <i>" " " "</i>                  |
| <i>LARRY D. WOODSON</i>    | <i>" " " "</i>                  |
| <i>Kenneth M. Wilke</i>    | <i>" " " "</i>                  |
| <i>Ellie Davine</i>        | <i>Ks. Dept. of Agriculture</i> |
| <i>Greg Krissch</i>        | <i>Ks Dept of Ag</i>            |
|                            |                                 |
|                            |                                 |

TESTIMONY

TO THE

HOUSE COMMITTEE ON AGRICULTURE

by

Allie Devine, Secretary of Agriculture

Larry Woodson, Director of Inspections

Wayland Anderson, Asst Director of Water Resources

Eldon Fastrup, Director of Marketing

Forrest St. Aubin, Director of Plant Health

January 18, 1995

*House Agriculture  
Attachment 1  
1-18-95*

Good morning. My name is Allie Devine. I would like to thank you for allowing the Department of Agriculture Division Directors and me to appear before your committee to introduce ourselves and explain our responsibilities.

As you know, Governor Graves, last week, appointed me as the Eleventh Secretary of Agriculture. It is an honor and pleasure to serve in this capacity. I have been very fortunate to have been involved in this dynamic and interesting industry for years. First, I was raised on a diversified farm in southwest Kansas. We grew hay, corn, milo, wheat and cattle. Most of my "on farm" experience involved irrigation pipe, grain trucks, cattle feed and fences. My parents and brother still farm.

I received a bachelor's degree from St. Mary of the Plains College in Dodge City, a law degree from Washburn University and a masters degree in agricultural law from the University of Arkansas.

After law school, I joined the staff of the Board of Agriculture as a Research Analyst. Through my work with the Department, I became acquainted with Gary Mitchell, then, State Director for Congressman Pat Roberts. Gary told me Representative Ed Madigan, Ranking Republican Member of the House Committee on Agriculture was searching for an "ag attorney." I applied and eventually moved to Washington, D.C. I served as Associate Minority Counsel for the House Committee on Agriculture from 1989-1991. During this time the Committee passed the 1990 Farm Bill. In 1991, Ed Madigan was appointed Secretary of the United States Department of Agriculture. I joined his staff at the Department and served as an Executive Assistant. USDA was great training. USDA had 110,000 employees, 42 agencies, and the budget of approximately \$70 billion. My job was to assist the Secretary in the development, coordination and implementation of laws, rules and regulations throughout the Department, the Administration and the Hill.

I, like Governor Graves, believe that efficiency and effectiveness in government is an obligation to Taxpayers. At the same time, however, I think it is important to have some governmental regulation to ensure that health, welfare, wholesome agricultural products, and marketplace equity is assured to all citizens. Regulations are necessary to assure the farmer of the efficacy of his agricultural inputs and to preserve the natural resources. Additionally, government should assist where appropriate and economically feasible in the expansion of markets for agricultural products.

I am pleased to be joining an agency of state government, the Department of Agriculture, which maintains a history for effective and efficient operation. If there is an agency of the state with a budget more lean than that of the Department of Agriculture, I would be very surprised! This is the agency of state government that has pioneered the cost-savings to be realized in public/private joint operations. Through "Privatization" within the agency, I have witnessed the documented savings by regulatory operations in which effectiveness is increased through the overview of private industry checking themselves. Additional savings in the form of "cross-training" of personnel, "gang tackling" of seasonal problems, and "hoeing where the weeds are" to focus regulatory activities on problem areas or clients has led to substantial efficiencies in this agency. These programs of efficiency in regulatory activities have been recognized not only internally but also by other agencies of state government who have seen the Department of Agriculture make efficient, functioning programs out of transferred problems.

Bottom-line, I am glad to be your Secretary of Agriculture; I hold as my highest goal, the effective and common-sense regulation of our agricultural industry, preservation of our

environment, and protect to the Kansas consumer; and paramount importance, accomplishing these functions in the most efficient yet effective manner possible.

Again, I thank you for inviting me to appear before this committee. To acquaint you with my team, I have asked that my Division Directors be present so that I could introduce them to you. They are:

Mr. T. J. Byram, Director of the Division of Statistics;  
Dr. Stan Ward, Director of the FACTS Program;  
Mr. Max Foster, Director of the Agricultural Laboratories;  
Mr. Eldon Fastrup, Director of the Marketing Division;  
Mr. Wayland Anderson, Asst. Director of the Division of Water Resources;  
Mr. Forrest St. Aubin, Director of the Plant Health Division;  
Mr. Larry Woodson, Director of the Division of Inspections.

Additionally, I have the agency's Chief Counsel, Mr. Ken Wilke and Research Analyst, Mr. Greg Krissek. Finally, I would like to introduce my Assistant Secretary Don Jacka. Your Chair has asked that we review a few of the major programs of the Department of Agriculture for you in the time remaining today. To accomplish this task I have asked the division directors of Inspections, Water Resources, Marketing and Plant Health to provide a brief overview for you. More detail is contained in the written testimony provided.

## DIVISION OF INSPECTIONS

### Mr. Larry Woodson, Director.

The Division of Inspections was formed in 1984 with the internal consolidation of the previous Divisions of Control, Dairy, Meat & Poultry, and Weights and Measures. Additionally, the Egg Inspection program was transferred from the Division of Marketing in 1983. In 1992, internal reorganization combined the functions of records, licensing, fiscal and clerical to balance seasonal workloads and to reduce duplication of effort and function. As a result of these reorganizations, the Inspections Division is currently structured with an administrative section, composed of a records section and a fiscal section, and four program areas consisting of Dairy, Meat & Poultry, Weights and Measures, and Agricultural Commodities Assurance Program.

RESPONSIBILITIES. In addressing the specific laws and responsibilities, the following information will further illuminate the responsibilities by functional area:

1. The Meat and Poultry Inspection Program is managed by Dr. Joe Beuerlein and is responsible for enforcing the Meat and Poultry Inspection Act (K.S.A. 65-6a37) which provides state inspection to 168 establishments in Kansas. Investigations are also conducted relative to the Bait and Switch Law (K.S.A. 50-901). Technical assistance is provided to schools, hospitals, rest homes, state institutions and the Department of Administration relative to wholesomeness and standard of identity (economic fraud).
2. The Agricultural Commodities Assurance Program (ACAP), managed by John Falk, is responsible for administering laws relating to: Egg Inspection (K.S.A. 2-2501), Soil Amendments (K.S.A. 2-2801), Feed, including pet food, (K.S.A. 2-1001),

Seed (KSA 2-1415), Fertilizer (KSA 2-1201), Fertilizer Maintenance (KSA 2-1226), Agriculture Lime (KSA 2-2901), Anhydrous Ammonia Safety (KSA 2-1272), and Livestock Remedies (KSA 47-501). The Inspections Division also performs services, through contract, in the areas of Tissue Residue Investigations, Feed Mill Inspections and Egg Shell Surveillance Inspections. The primary purpose of those laws is to insure label accuracy and product integrity.

3. Dairy Inspection in Kansas is performed through the offices of the Dairy Commissioner, Mel Brose, and includes regulation of: Grade A (Fluid Milk) law (K.S.A. 65-737); Manufacturing Milk (Cheese) law (K.S.A. 65-701); Processing Plants (K.S.A. 65-737); Counter Freezers (K.S.A. 65-720d); and, the licensing of Milk Haulers (K.A.R. 4-7-1000), Milk Testers (K.A.R. 4-7-1001) and Single Service Container plants (K.S.A. 65-701). The primary objective is wholesomeness of product, integrity of product, and consumer safety.

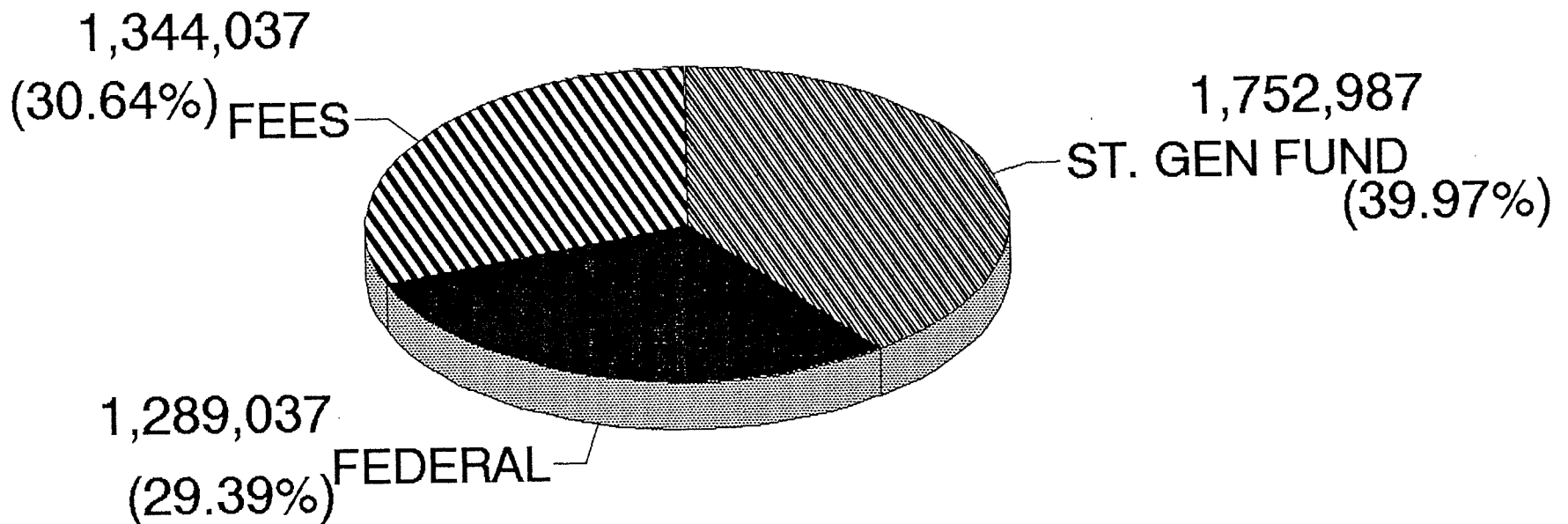
4. The Weights and Measures Program is operated by the State Sealer, DeVern Phillips. The program maintains the accuracy of the devices utilized for products sold in commerce. Specifically, this function is responsible for the Petroleum Measurement Enforcement Law [K.S.A. 55-422(a)] which regulates fuel quality and meter accuracy; the accuracy of point of sale devices or scanners, Packaged Commodities (K.S.A. 85-150), Bulk Tank Meters and the work performed by the Metrology Laboratory. To achieve efficiency and greater effectiveness, various laws of this functional area were privatized--allowing private service companies, regulated by this agency, to perform the annual device checking with agency oversight. These privatized programs include the inspection of: Large and Small Scales (K.S.A. 83-201), Liquid Petroleum Gas Meters (K.S.A. 83-143), and Headhouse Scales (K.S.A. 83-214).

Basically, there are three common denominators to the laws and programs assigned to the inspection program. These can be referred to as Q<sub>2</sub>S or Quality, Quantity and Safety with Safety being the most critical. In measuring the performance of the Inspections Division, one is challenged as to the difficulty of measuring things that were prevented from occurring because of the inspection program. Our budget document for Fiscal Year 1996 does attempt to address the outcomes and outputs of the various programs. Appended are charts which detail the funding and expenditures of the Inspections Division operations.

SUMMARY. Generally speaking, safe and wholesome food products are consumed throughout the world and it is essential, in the public interest, that the health and welfare of consumers be protected by laws and regulations that assure that the products are not only safe and wholesome, but are properly labeled and measured. Failure to provide for effective regulations, standards of identity, proper and truthful labeling, accurate measurement is injurious to the public welfare, destroys markets, results in sundry losses to producers and processors and may have detrimental health ramifications. Thus, it is in the best interest for commerce and for health and general welfare of the consumers to have effective consumer protection programs. The Division of Inspections strives to provide service, protection, and effective and efficient use of funds provided to achieve our mission and our goals.

# DIVISION OF INSPECTIONS

## BUDGETED FUNDING 1995



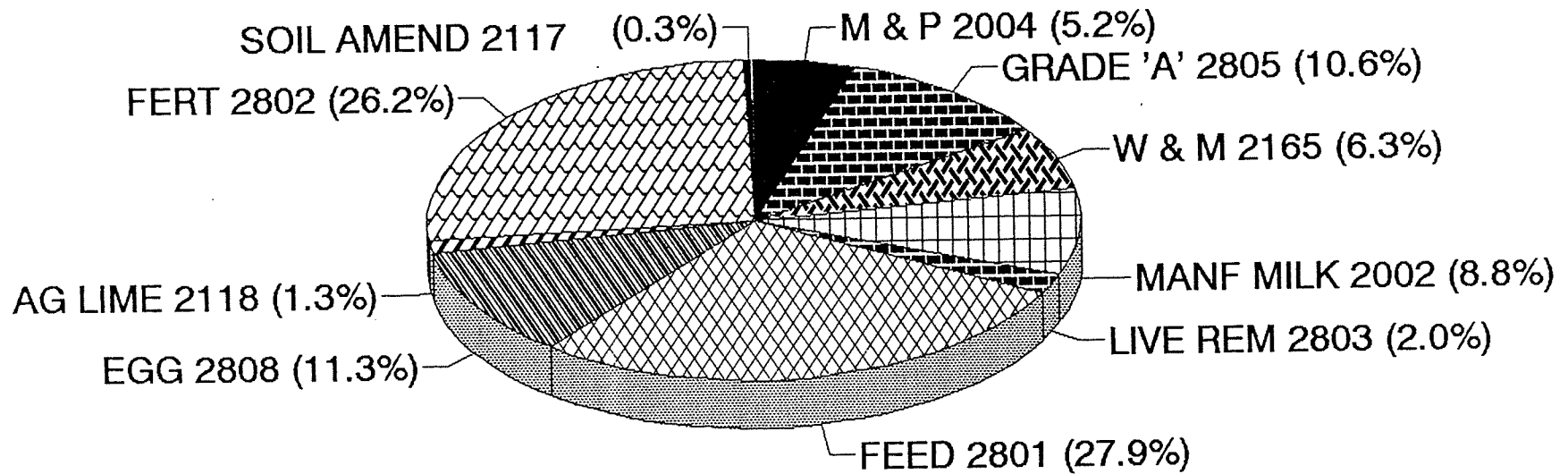
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# DIVISION OF INSPECTIONS

## FEE FUNDS

FY'95



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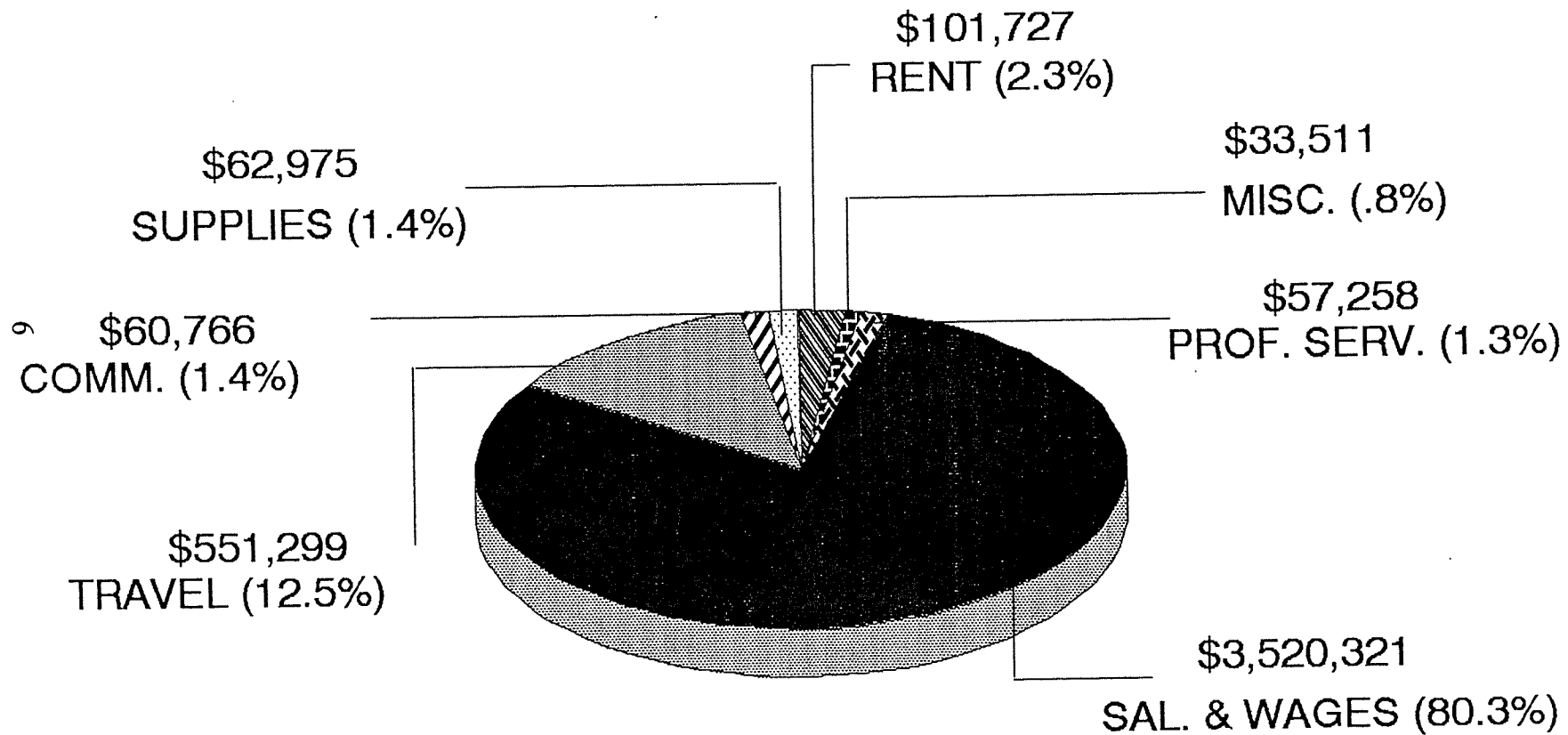
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# DIVISION OF INSPECTIONS

BUDGETED FY 1995

DIVISION BY OBJECT CODE



## DIVISION OF WATER RESOURCES

**Mr. David Pope, Director/Chief Engineer.**

The Division of Water Resources and its Chief Engineer is responsible for administering 28 state laws including 4 interstate river compacts, and several other assigned programs, such as the National Flood Insurance Program. All of these duties relate to the management, distribution and regulation of the water resources of the State of Kansas.

The Division of Water Resources is not to be confused with the Kansas Water Office, which primarily does water planning; the Kansas Water Authority, which develops water policy; or the Kansas Department of Health and Environment, whose water related functions deal primarily with the safety of public water supplies, preventing pollution and other water quality issues.

The Division of Water Resources through its main office in Topeka and its four field offices located in South Topeka, Stafford, Stockton, and Garden City, with a regional office in Chanute.

The Division's responsibilities can be divided into three primary areas: I) Water Structures, II) Interstate Water Matters, and III) Water Rights.

I. WATER STRUCTURES. The Division of Water Resources' jurisdiction and authority in the area of water structures is provided primarily by two acts. The first is the Stream Obstruction Act (K.S.A. 82a-301 et seq.) which requires anyone desiring to construct: a dam; an obstruction in a stream; or to change the course, cross-section, or current of any stream to obtain a permit from the Chief Engineer. This act was amended in 1978 to provide for the exclusive regulation of the construction, operation and maintenance of dams or other water obstructions to the extent required for the protection of public safety under the jurisdiction of the Division of Water Resources and the Chief Engineer.

What this means is that anyone desiring to build a dam which impounds more than 30 acre feet of water, as measured at the top of the dam, or who desires to significantly alter a stream channel by placing an obstruction in it or relocating it, must receive the prior permit of the Chief Engineer. The Division of Water Resources reviews and approves the plans for these projects and inspects the construction of these projects primarily to ensure public safety, protect the property interests of others who might be affected by the projects and assure that the project is environmentally sound.

The Division of Water Resources also regulates the construction of levees along streams of Kansas. This is done under the authority of K.S.A. 24-126. Any plans for proposed levees are reviewed by the Division of Water Resources to ensure that the levees: will be properly constructed, meet statutory and regulatory guidelines, will not impose unreasonable effects on other landowners and that the public safety is protected.

For construction of dams, levees and stream alteration projects, the Division of Water Resources also serves as the coordinator for the Environmental Coordination Act (K.S.A. 82a-325 et seq.) which allows key state agencies to review all proposed projects and submit comments to help eliminate or minimize significant adverse impacts on the

environment. The Division then reviews these comments from state agencies and, if necessary, conditions the permits to ensure that the project is environmentally sound.

**II. INTERSTATE WATER COMPACTS.** The second major area of the Division of Water Resources' activity relates to interstate water compacts and other interstate water activities.

By statute, the Chief Engineer serves as Kansas' representative on four interstate river compacts pertaining to the apportionment of waters and rivers which flow through Kansas and another state. These compacts are as follows: the Republican River Compact (Colorado, Kansas and Nebraska), K.S.A. 82a-518; the Arkansas River Compact (Kansas and Colorado), K.S.A. 82a-520; the Arkansas River Compact (Kansas and Oklahoma), K.S.A. 82a-528; and the Big Blue River Compact (Kansas and Nebraska), K.S.A. 82a-529.

The Chief Engineer also serves as the State of Kansas' representative to the Missouri River Basin Association, which consists of eight states with area in the Missouri River Basin and various Indian tribes and federal agencies. The Missouri River is the largest non-compacted river in the United States. There are many competing interests for water in the Basin, such as recreation, hydro-power, water supply and navigation. Indian water rights and the protection of endangered species are also major issues. Currently, the most important issue is the Corps of Engineers' proposal to revise the Master Water Control Manual, which determines how the mainstem reservoirs and the rivers are operated.

The duties relating to the interstate compacts range from routine meetings and administrative duties to extensive involvement in the Kansas v. Colorado litigation in the United States Supreme Court. The Division of Water Resources' staff provide considerable technical and legal support to the case, including input of local knowledge and testimony. After 143 days of trial over a two and a half year period, the trial phase (the presentation of evidence) has been completed. In July 1994, the Special Master, the person appointed by the court to hear the trial, filed his report and recommendation with the United States Supreme Court, which will ultimately decide the matter. Oral arguments before the court will likely be held in late March 1995. A decision in this phase of the trial, the liability phase, will hopefully be made by early summer, 1995. Thus far, Kansas appears to have won the major issue in the case.

Another compact which has had received lots of attention last year is the Republican River Compact. Issues range from the operation of Harlan County Reservoir in Nebraska to use of water by Nebraska in excess of its compact allocations, primarily due to unregulated post compact well pumping. Since the annual compact meeting last summer, a special compact work session was held to address Kansas' concerns about Nebraska's use of water in excess of its allocations. Another special work session will be held January 19, 1995 in Denver, Colorado.

**III. WATER RIGHTS.** The third major area of involvement of the Division of Water Resources is in the area of water rights administration. Since January 1, 1978, it has been illegal in the State of Kansas for anyone, other than a domestic user and certain other minor exceptions, to appropriate water without a permit. This means that anyone using water in the State of Kansas for municipal, industrial, irrigation or other non-domestic

purposes, must apply for and obtain a permit to use water for that purpose, whether it is groundwater or surface water, or on public or private land. To use water for non-domestic purposes without a water right or permit is a Class C misdemeanor.

The Division of Water Resources has determined over 2,200 vested rights to the use of water. Nearly 42,000 applications to appropriate water have been filed since June 28, 1945, the date the Kansas Water Appropriation Act became effective. The Kansas Water Appropriation Act is the basic legal framework under which the Division of Water Resources processes, approves, certifies and regulates the use of water within the State of Kansas.

During the past two years, the Division of Water Resources, with legislative input and resources, has initiated efforts to address the "backlog" of new applications and changes. These combined efforts have resulted in the number of new applications under review, being reduced from 794 on December 31, 1993 to 672 on December 31, 1994, a reduction of 122 pending applications during the year.

Similarly, the number of applications to change existing water rights have also been reduced from 651 on December 31, 1993 to 463 on December 31, 1994, a reduction of 188 change applications during the year by June 30, 1995.

In addition to reducing the number of applications under review, the Division has significantly reduced the amount of time required to begin initially reviewing an application, the amount of time to complete the review, and subsequently the total time an application is in the Division's possession from initial receipt to final action. The following charts show the relative number of days for applications, both new applications and change applications, for three fiscal years, FY 1993, FY 1994, and 1995.

In every case, the amount of time has been reduced by at least half, so that the Division is approaching 110 days on average to process and finalize new applications and changes.

With the continued legislative support to provide funding for overtime by staff, and the two special project worker staff, for FY 1996, we expect to have the processing reduced to less than 100 days for both new applications and changes.

In addition to the maintenance of a computer system which keeps track of the over 44,000 water right files in the State of Kansas, the Division of Water Resources is involved with many other activities concerning these water rights. These include: (1) administration of water rights during times of shortage to determine which water users have the right to use that water; (2) protection of minimum desirable streamflows on the 23 streams and rivers designated by the Legislature; and, (3) working in partnership with the groundwater management districts by reviewing revised management plans, adoption of regulations or creation of intensive groundwater use control areas.

Beginning in 1988, the legislature passed K.S.A. 82a-732, which made the owner of a water right accountable for filing an annual water use report to the Chief Engineer not later than March 1 of each calendar year. Any person failing to file such a complete and accurate report by March 1 is subject to a civil penalty. Any person who files a report

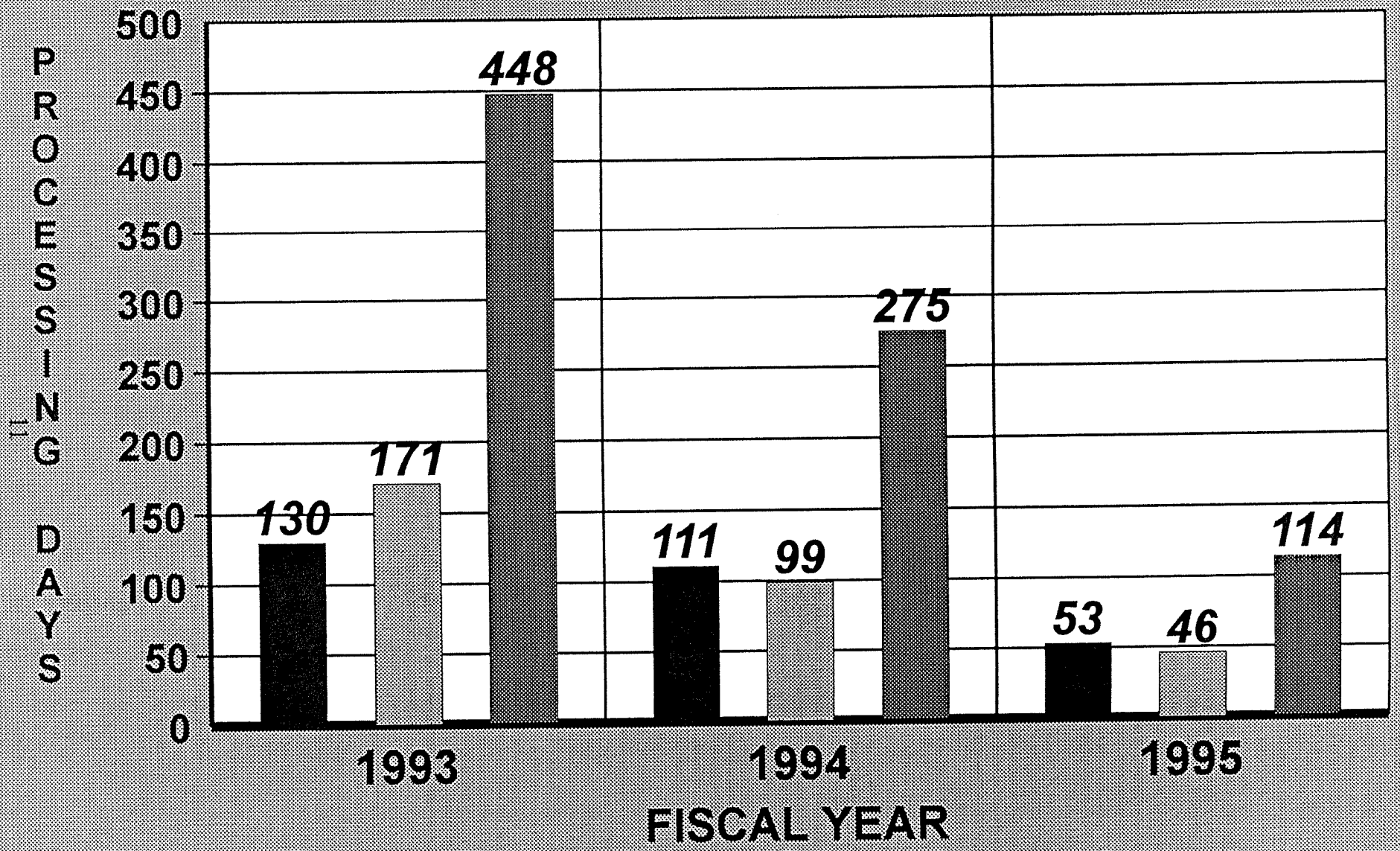
knowing it contains false information is guilty of a Class C misdemeanor. In 1988, the Division of Water Resources significantly increased its enforcement of the water use reporting requirement. This effort has paid off because for the last several years compliance with filing water use reports has exceeded 99%. Better water use information was needed by various agencies for research, planning and management.

At the present time, it is estimated that large portions of the State of Kansas are considered to be fully appropriated. In other words, no new permits to appropriate water are being issued in these areas. If someone desires to appropriate water in those areas, the only way a water right can be acquired is by obtaining one from someone who already has one. This may be done by gift, inheritance, purchase, lease or condemnation. Whenever a water right is acquired from another owner, an approval from the Division of Water Resources must be obtained if the new owner desires to change the authorized place of use, the authorized point of diversion, and/or the type of beneficial use. The Division of Water Resources is seeing a significant increase in the filing of change applications. In areas where new permits to appropriate water are still available, they are analyzed on a safe yield basis so that the water supply can be sustained indefinitely.

The Chief Engineer also serves as the chairman of the Water Transfer Hearing Panel which plays an important role in determining whether water transfers should take place in the State of Kansas. A "water transfer" is defined as the diversion and transportation of 2,000 acre feet of water or more per year more than 35 miles.

SUMMARY. During the past 15 years, the Division's role has shifted from one of development to one of education, conservation and management through vigorous enforcement. The complexity of review of all types of applications has increased dramatically, along with the workload. The Division of Water Resources has become more efficient and taken advantage of advances in technology to do the best job it can with the resources it has available. With the competition for the finite water supply in Kansas continuing to increase, we predict the difficulty and complexity of our work to continue to increase dramatically. The availability of water molded the settlement of this State, and its continued availability in quantity and quality will most definitely shape its future too.

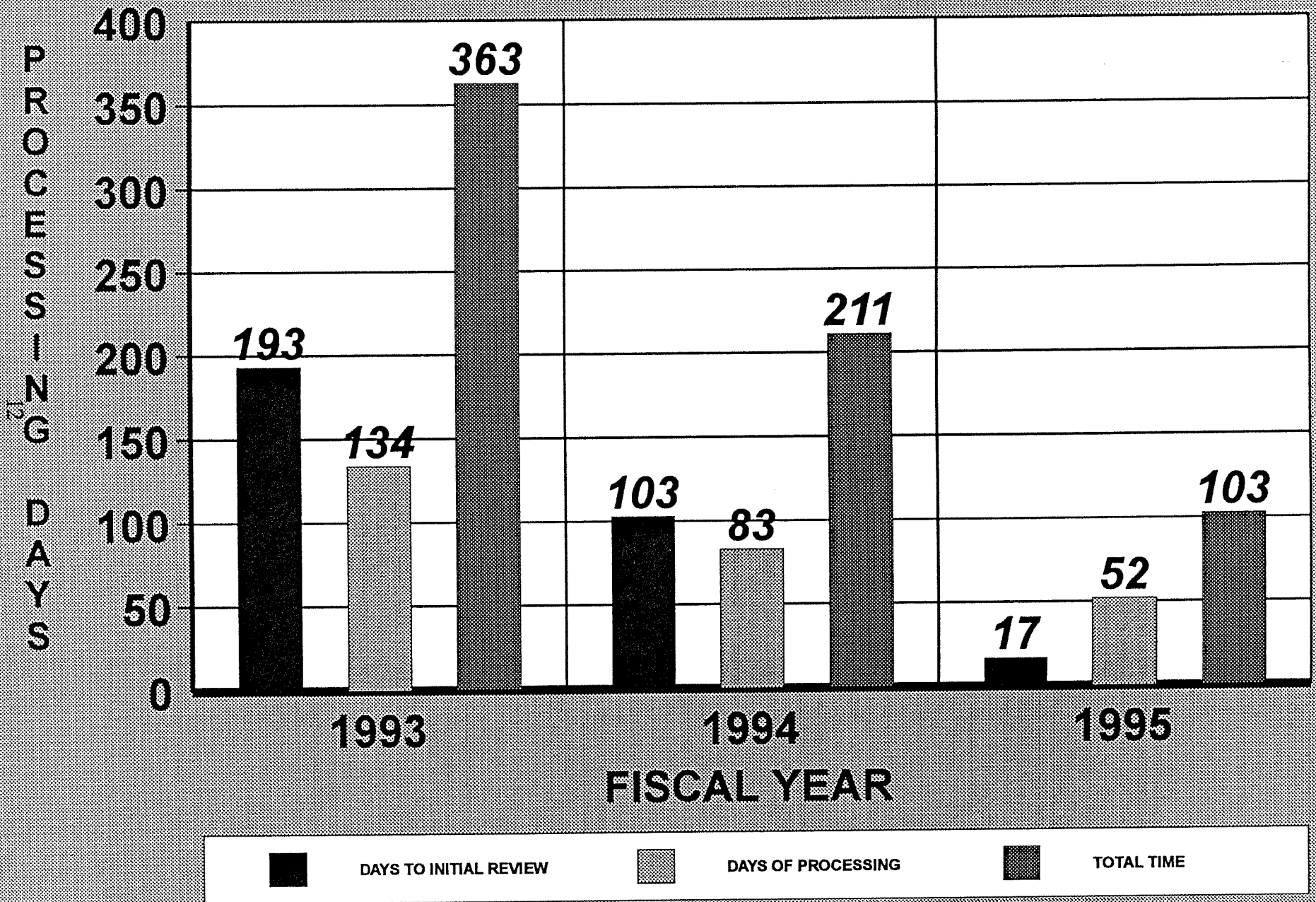
# STATUS AND PROCESSING TIME FOR NEW APPLICATIONS FOR PERMIT TO APPROPRIATE WATER



DAYS TO INITIAL REVIEW
  DAYS OF PROCESSING
  TOTAL TIME

1-12

# STATUS AND PROCESSING TIME FOR CHANGE APPLICATIONS



## MARKETING DIVISION

**Mr. Eldon Fastrup, Director.**

The Marketing Division of the Kansas Department of Agriculture is organized into two major sub-programs: Agricultural Market Promotion and Development, and Grain Commodity Research and Market Development. This organizational structure reflects several fundamental statutory differences and provides for efficient administration and accomplishment of the goals of each sub-program. Specifically, the Agricultural Marketing Promotion and Development Program is administered directly by the Secretary of Agriculture and is funded primarily with State General Fund revenue. The Grain Commodity Research and Market Development program is funded by assessments collected from soybean, corn, and sorghum producers. Each group has a commission which consists of active producers who are appointed by the Governor representing all areas of this state. The Commissions make policy recommendations to the Secretary.

FY 1995 DIVISION FUNDING. The Governor's recommendations for Fiscal Year 1995 include expenditures of \$1,291,398 for the Agricultural Market Promotion and Development sub-program and \$3,029,850 for the Grain Commodity Research and Market Development sub-program. The funding and expenditures for the Marketing activities are detailed on the appended tables and charts.

AGRICULTURAL MARKET PROMOTION AND DEVELOPMENT. The Division of Markets was originally created in 1947 by K.S.A. 74-530 et. seq. This legislation provides broad guidelines for implementation of this sub-program. The primary assigned duty is for the program to perform acts, and to do, or cause to be done, those things which are designed to lead to more advantageous marketing and utilization of agricultural commodities and food products of Kansas. The 1992 Legislature passed two bills which expanded the functions of the divisions. House Bill 2807 established the Kansas Pecan Commission and assigned its responsibilities to the division. However, in FY 1994, a national referendum to continue the Federal Pecan program failed to be continued and because the Kansas Pecan Commission was tied to the Federal program the Kansas Commission was abolished on July 1, 1994. Also, in 1992 the Legislature passed Senate Bill 203, which established the Aquaculture Advisory Council and designated the Kansas Board of Agriculture as the lead agency to implement the bill. In 1994 the Kansas Legislature directed the Board of Agriculture to facilitate the creation of swine marketing pools and to foster contract agreements between swine producers and processors (SB544). Also in 1994 the Legislature created a Grape and Wine Industry Advisory Council to be appointed by the Secretary. The Council is charged with developing programs to improve and expand the industry.

The Agricultural Market Promotion and Development Sub-program planned and conducted 118 major projects in FY 1994. This represents a 17 percent increase over 1993. These projects include activities in the areas of : Domestic (State, regional, and national) Trade Shows and Expositions; International Trade Development Missions and Expositions; Foreign Buyer Teams to the State; From The Land of Kansas and Grown In Kansas trademark retail promotion programs; Supplier directories, product promotions materials and special technical publications; research projects and feasibility appraisals for new products, alternative markets, industrial utilization, and emerging industries; Special Market News and price information program; media and public information campaigns; and initial



implementation of programs related to swine marketing alternatives and swine industry development, and the development of the Grape and Wine industry of the state.

Several important points related to the FY94 period are: the number of projects continues to grow; the mix in types of services, targeted markets, and projects formats reflect modifications to best serve our clients changing needs; and, increased opportunities to co-participate with the Kansas Department of Commerce & Housing, Kansas Value Added Center, Kansas Technology Enterprise Corporation, Kansas State University, other state agencies, and local interest groups were accomplished.

Several highlights exist for this function in FY 1994:

- \* First, the FROM THE LAND OF KANSAS (FTLOK) trademark retail promotion program celebrated its 10 year anniversary! Registration of participating companies grew from 14 to 414 during this time. This trademark program represents a model for an on-going program, targeted to and strongly supported by value added companies.
- \* Additionally, the FTLOK trademark promotion program became an international promotion. Based on its highly successful domestic efforts several pilot foreign market projects were conducted in France, England, Germany, Hong Kong, and Mexico. Some 25 companies with nearly 100 products are now being sold in England. Plans are underway to participate in a major food show in London in April with a coordinated in-store promotion with a major retail food chain at the same time. A smaller in-store promotion of FTLOK processed foods is scheduled for Hong Kong later this year. These projects will be designed to include a new approach of purchases by the importer before the promotions. Additional plans include participation in a major Midwest food promotion with Wal-Mart Mexico City, July 1995.
- \* The GROWN IN KANSAS trademark promotion and development program started two years ago to provide services to clients producing non-food value added products. Growers of Christmas trees, nursery stock, flowers, and other such non-edible products requested a program for their needs. At this time 182 are registered to participate. Initial survey information indicate this sector employs over 2,000 Kansans in 66 counties.
- \* The Division now has capability for direct computer access to NAFTA rules, regulations, and needed documentation to assist exporters shipping agricultural and food products to Mexico. Examples of documentation provided to individuals include NAFTA "Declaration of Content", "Declaration of Origin", required inspections, etc. These services supported 7 shipments at a reported value of 462,000.
- \* The second "MADE IN KANSAS SHOW", Wichita. This is a continuing joint project between the Marketing Division, and the Department of Commerce and Housing, Trade Division. The Expo featured food products from over 45 companies and resulted in reported direct sales of \$121,535. This event represents the value of inter-agency cooperation.

- \* The International section assists Kansas companies to participate in two major food shows in Mexico. Company reports projected at approximately \$1.25 million.
- \* Seminars and Technical Training programs presented by the Division reached 1350 interested clients. Seminars and Training is an on-going program and continuation is planned for next year with emphasis on cooperative projects with Kansas Value Added Center, Kansas Department of Commerce & Housing, Extension.
- \* Media support at the Division's programs and cooperating clients products remained strong with regular programming yielding 3,200 minutes of radio and television air time valued at \$289,123.
- \* Market News and Commodity Price Program is composed of the Kansas Hay Market Report; Kansas Interior Direct Hog Sales Report; Kansas Sunflower Price Report; and the Cooperative Federal/State Livestock Market Report for Cattle. In FY1994 the Hay Report was the only report with specific information on Kansas hay. Such price information is critical value in that it is our 4th largest valued crop as well as the importance of our feedlot industry. The Direct Hay Market Daily report continues to grow in service to the industry. Feeder pig prices have been added to the report. This past year the hog market news program reported price information on 1,630,481 head which represents 65 percent of the total Kansas swine marketed. It is critical that accurate prices and price discovery information be made available to producers for their decision making and enterprise analysis related to potential opportunities for alternative marketing practices, alternative crop and livestock production and investment in value-added processes or facilities.
- \* The Alternative Agriculture section continued efforts to assist the developing turkey growing industry; securing federal and private funds to support commercialization and research for industrial utilization of agricultural commodities and animal co-products, including wheat starch utilization, wheat gluten processing, animal hide collagen processing.

The Marketing Division of the Department of Agriculture maintains the principle of trying to provide a series of well planned, specific fit projects which are highly targeted to the individual needs of those in the industry which we serve. The division also continues to develop new and or improved procedures by which to measure and quantify the value of our services. These efforts will be vigorously continued in FY1995.

The Marketing Development and Promotion sub-program implemented 118 target projects resulting in \$4,264,810 in direct reported sales and \$12,018,151 in economic import in FY1994. Total expenditures for the fiscal year were \$1,161,009.

GRAIN COMMODITY RESEARCH AND MARKET DEVELOPMENT. In 1977, the Kansas Legislature created a Corn Commission, a Grain Sorghum Commission, and a Soybean Commission. The duties of these commissions include recommendation of policy to the Secretary of Agriculture, and to develop policy regarding marketing, campaigns of development, education and publicity for its commodity and products derived. The Commissions are also granted the authority to recommend projects and to cooperate with Kansas State University, the University of Kansas, and other state, national, and

international organizations in commodity related research and market development activities. The 1989 Legislature amended the Grain Commodities Act to allow the Soybean Commission to set the assessment rate at 20 mills per bushel. The 1990 Legislature amended the Act to allow the corn assessment to 5 mills per bushel. The 1991 Legislature amended the Act to allow the Kansas Soybean Commission to comply with the provisions of the National Soybean Marketing Order. In 1992 the Legislature amended the Act to increase the Grain Sorghum assessment to 5 mills per bushel.

The Grain Commodity Research and Market Development sub-program invests its fees in developing marketing strategies, distribution and utilization alternatives, crop-specific research studies, and international market advancement. Specifically, these are used to fund individual projects such as livestock nutrition seminars, grain storage efficiency research, effective chemical use studies, on-farm research trials, extrusion technology demonstration and targeted export assistance projects.

During Fiscal Year 1994 this function implemented the following highlights:

- \* Preparation, properties and food application of degradable films and coatings from corn proteins;
- \* High tenacity biogenetic fibers and films from products and byproducts of corn/sorghum/soybeans;
- \* Increasing the use of grain sorghum in Kansas feedlot cattle rations;
- \* Roasting grain sorghum to improve digestibility and enhanced nutritional value in lactating dairy cattle diets;
- \* Management of the soybean cyst nematode and charcoal rot in soybeans through cropping systems;
- \* Development and evaluation of commercial soybean varieties for Kansas; and
- \* Integrated LEPA sprinkler irrigation and fertigation management to preserve water quality.

Market development monies are invested with state and national development organizations to increase sales of feed grains in livestock producing countries, expand export of soybean oils to Pacific Rim countries, increase market share of Kansas grain sales provided by GATT and NAFTA negotiated trade agreements, and target new sales to developing countries in need of feed grains and food commodity imports. Expanded market share in international markets is of primary focus to utilize increasing stocks of grain commodity production from Kansas and the United States.

MARKETING DIVISION  
 Sub Program 7112  
 AGRICULTURAL MARKET PROMOTION AND DEVELOPMENT

**EXPENDITURES / FUNDING**

|                      | <u>FY 1992</u> | <u>FY 1993</u> | <u>FY 1994</u> | <u>FY 1995*</u> | <u>FY 1996**</u> |
|----------------------|----------------|----------------|----------------|-----------------|------------------|
| Total Expenditures   | 1,105,687      | 1,217,573      | 1,161,009      | 1,291,398       | 1,235,650        |
| General Fund         | 809,239        | 877,786        | 783,015        | 928,691         | 890,443          |
| EDIF                 | 231,650        | 275,000        | 346,767        | 321,707         | 316,707          |
| Other                | 33,984         | 37,123         | 31,227         | 29,000          | 28,500           |
| Federal              | 30,814         | 27,664         | 0              | 12,000          | 0                |
| Total Salary & Wages | 556,112        | 635,720        | 663,214        | 696,369         | 707,875          |
|                      |                |                |                |                 |                  |
| Total O.O.E.         | 539,575        | 581,853        | 497,795        | 595,029         | 527,775          |
| Total F.T.E.s        | 14             | 15             | 15             | 16              | 16               |

\* projected

\*\* budget recommendation

MARKETING DIVISION  
 Sub Program 7112  
 AGRICULTURAL MARKET PROMOTION AND DEVELOPMENT

**OUTCOME MEASURES**

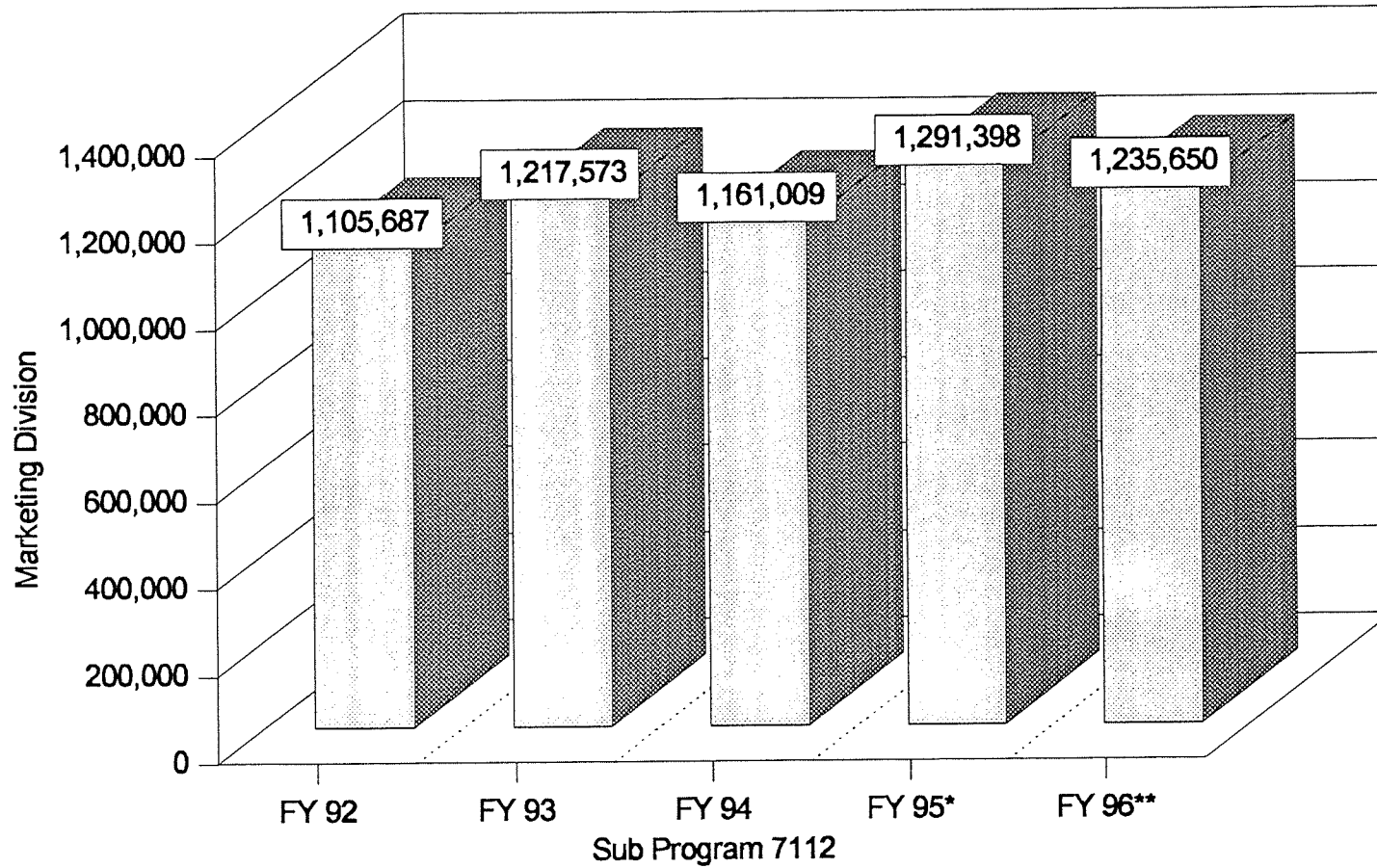
|  | <u>FY 1992</u> | <u>FY 1993</u> | <u>FY 1994</u> | <u>FY 1995*</u> | <u>FY 1996**</u> |
|--|----------------|----------------|----------------|-----------------|------------------|
| From The Land of Kansas<br>Trademark Promotion<br>Companies Registered | 365            | 383            | 414            | 420             | 420              |
| Grown In Kansas<br>Trademark Promotion<br>Companies Registered         | 171            | 180            | 177            | 185             | 185              |
| Major Projects   | 90             | 101            | 118            | 128             | 115              |
| Reported Sales   | \$5,873,819    | \$7,423,559    | \$4,264,810    | \$4,786,800     | \$4,688,300      |
| Economic Impact  | \$11,471,939   | \$8,061,355    | \$12,018,151   | \$15,912,000    | \$14,320,800     |
| Research/Commercial<br>Investments                                     | NA             | NA             | \$1,664,500    | \$1,815,000     | \$1,815,000      |
| Media Value  | \$327,853      | \$210,809      | \$289,123      | \$290,000       | \$243,000        |

\* estimated

\*\* budget recommendation

# Ag. Market Promotion & Development

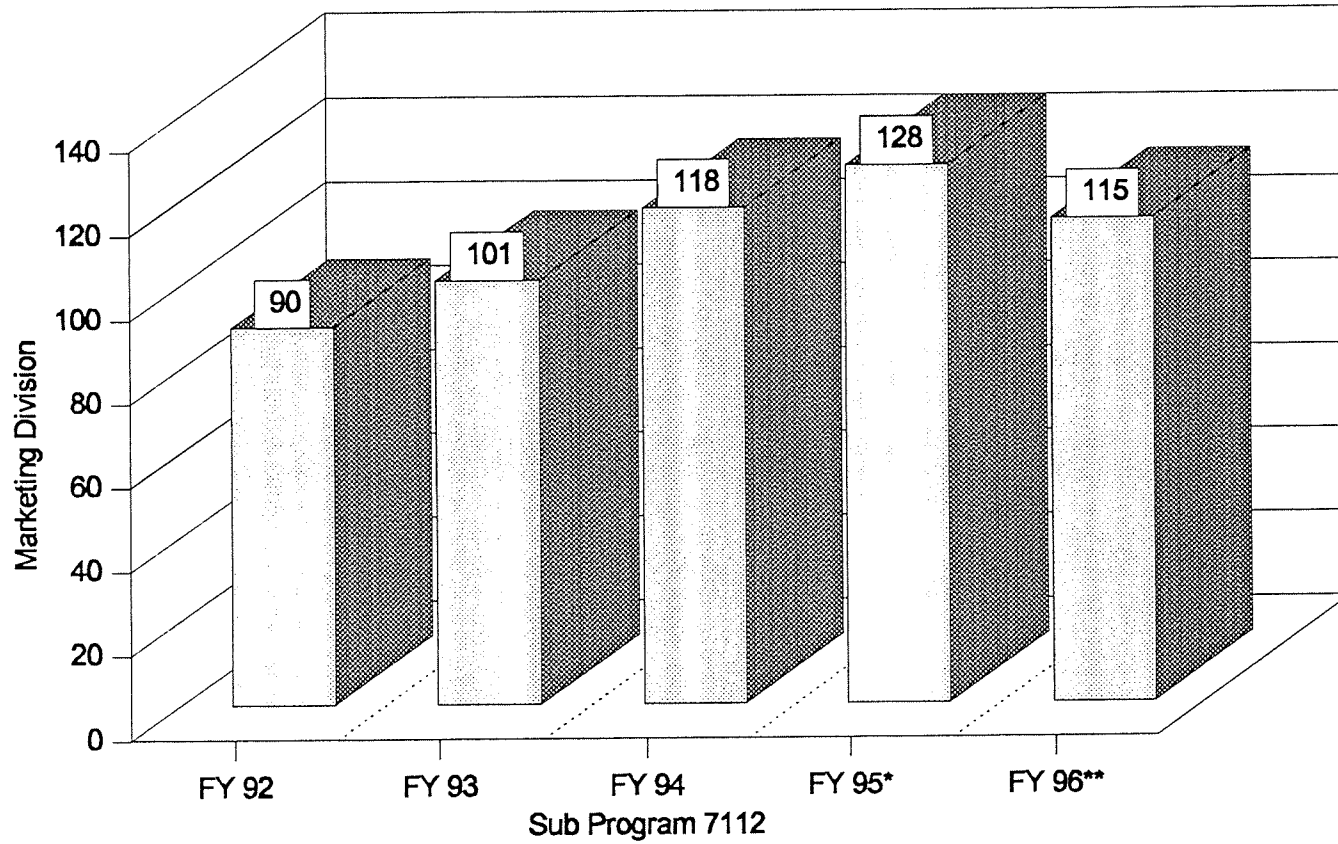
## Expenditures / Funding



\* estimated  
\*\* budget recommendation

# Ag. Market Promotion & Development

## Major Projects



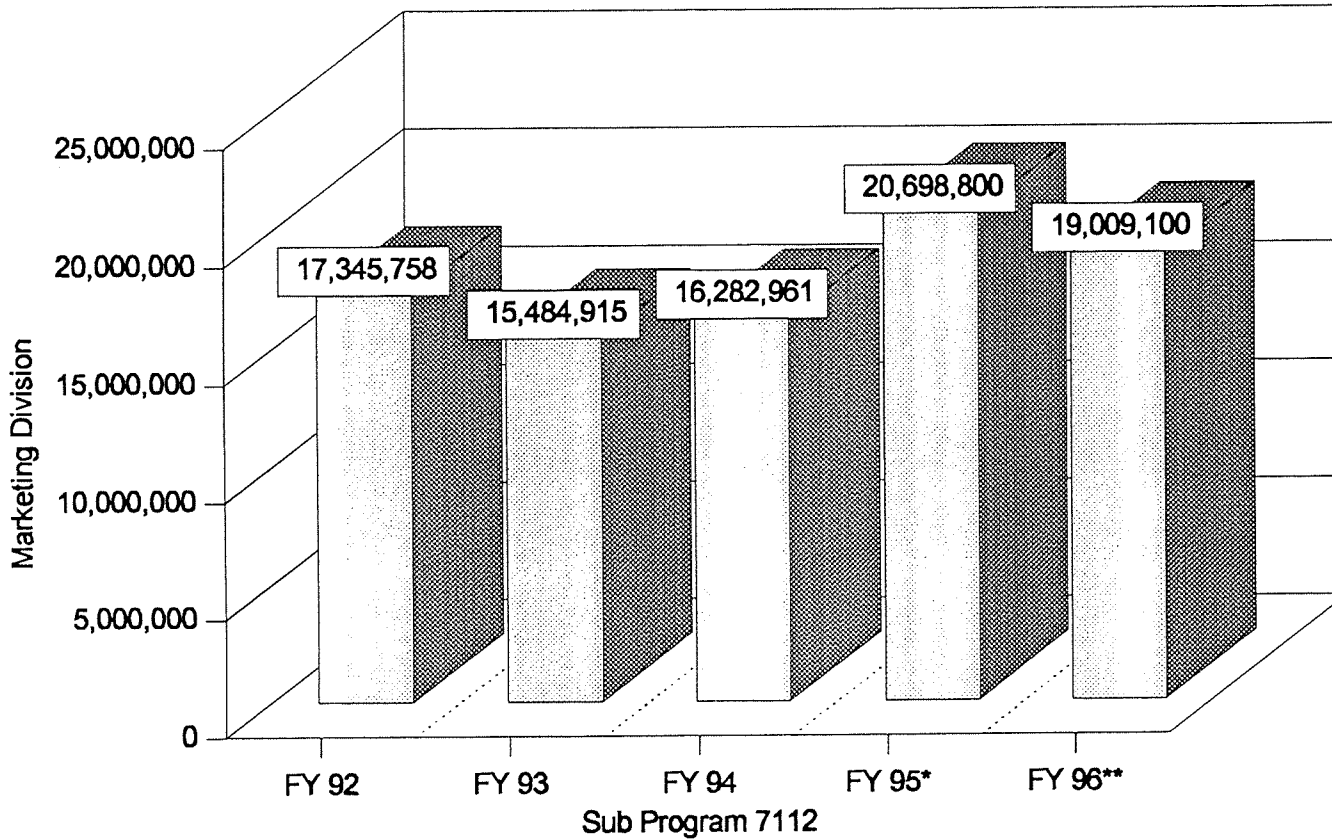
\* estimated  
\*\* budget recommendation

20

1-21

# Ag. Market Promotion & Development

Sales/Economic Impact



21

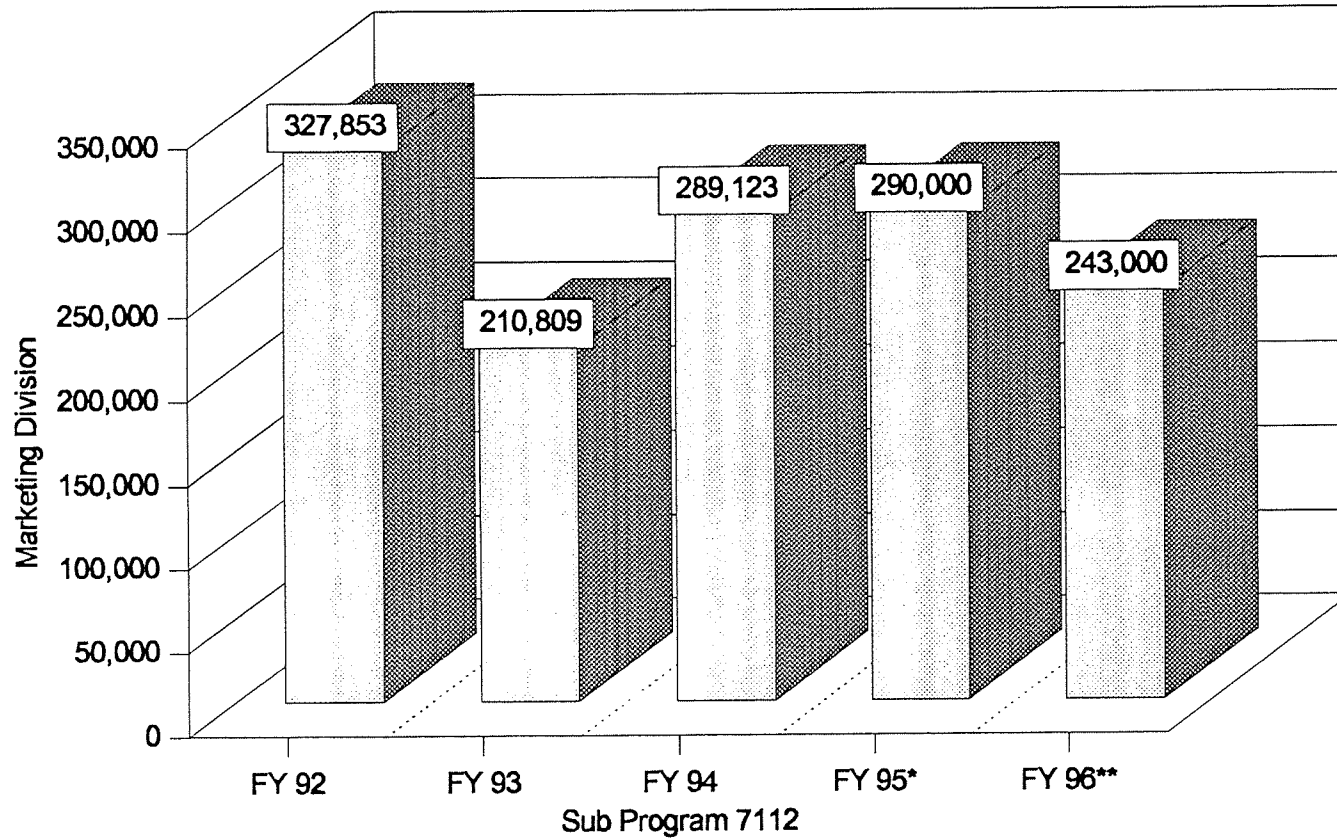
\* estimated  
\*\* budget recommendation

1-222



# Ag. Market Promotion & Development

Media Value



\* estimated  
\*\* budget recommendation

MARKETING DIVISION  
Sub Program 7111  
GRAIN COMMODITY RESEARCH AND MARKET DEVELOPMENT

**EXPENDITURES / FUNDING**

|                      | <u>FY 1992</u> | <u>FY 1993</u> | <u>FY 1994</u> | <u>FY 1995*</u> | <u>FY 1996**</u> |
|----------------------|----------------|----------------|----------------|-----------------|------------------|
| Total Expenditures   | 2,096,344      | 2,070,775      | 2,457,637      | 3,029,850       | 3,203,154        |
| Soybean              | 1,248,629      | 1,103,890      | 1,187,513      | 1,402,687       | 1,583,749        |
| Corn                 | 482,937        | 588,587        | 820,849        | 972,933         | 954,091          |
| Sorghum              | 364,778        | 378,298        | 449,275        | 654,230         | 665,314          |
| Total Salary & Wages | 88,646         | 87,971         | 103,534        | 100,459         | 104,531          |
| Total O.O.E.         | 2,007,698      | 1,982,804      | 2,354,103      | 2,929,391       | 3,098,633        |
| Soybean              | 1,222,520      | 1,075,048      | 1,130,067      | 1,348,373       | 1,547,700        |
| Corn                 | 465,949        | 570,596        | 795,603        | 947,452         | 914,915          |
| Sorghum              | 319,229        | 337,160        | 428,433        | 633,566         | 636,018          |
| Total F.T.E.s        | 2              | 2              | 2              | 2               | 2                |

\* estimated

\*\* budget recommendation

MARKETING DIVISION  
 Sub Program 7111  
 GRAIN COMMODITY RESEARCH AND MARKET DEVELOPMENT

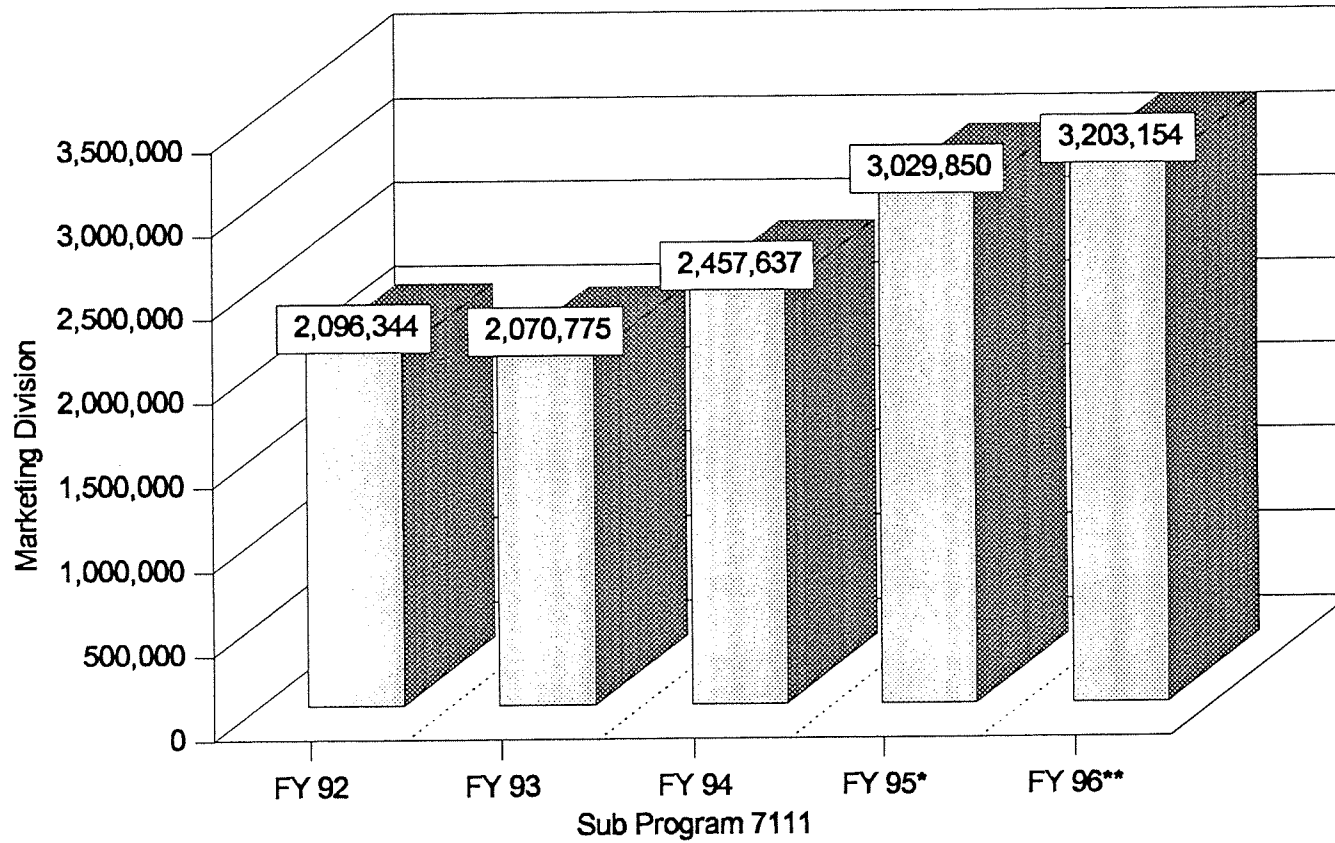
OUTCOME MEASURES

|   | <u>FY 1992</u> | <u>FY 1993</u> | <u>FY 1994</u> | <u>FY 1995*</u> | <u>FY 1996**</u> |
|---|----------------|----------------|----------------|-----------------|------------------|
| Approximate No. Assessment Rec.               | 7,700          | 7,883          | 7,687          | 7,800           | 7,800            |
| Dollars Collected                             | 2,285,456      | 3,470,409      | 3,247,385      | 3,259,080       | 3,259,080        |
| Refunds to Producers                          | 269,393        | 426,108        | 400,975        | 372,722         | 372,722          |
| Funds Invested to Int. Market Development     | 698,000        | 303,000        | 336,000        | 385,000         | 385,000          |
| Domestic/National Projects                    | 285,000        | 327,600        | 448,544        | 614,360         | 614,360          |
| Dollars Leveraged from Federal & other states | 4,188,000      | 1,818,000      | 2,016,000      | 2,310,000       | 2,310,000        |
| Research Projects                             | 505,015        | 526,735        | \$753,616      | \$868,915       | \$868,915        |

\* estimated  
 \*\* budget recommendation

# Grain Commodity Research & Market

## Expenditures/Funding



\* estimated  
\*\* budget recommendation

## DIVISION OF PLANT HEALTH

Mr. Forrest St.Aubin, Director.

RESPONSIBILITIES. The Division of Plant Health of the Department of Agriculture is responsible for the control of plant pests and pesticide use. It achieves such functions through the implementation of the following functions:

- \* The Plant Pest Act (K.S.A. 2-2112 et. seq.). This Act serves to: protect the state from dangerous outbreaks of plant pests and diseases; provide for the inspection and certification of nursery stock and licensing of nursery stock dealers; provide for the inspection and certification of Kansas products for the purpose of marketing to out-of-state buyers; and, grant quarantine authority.
- \* The Apiary Inspection Act (K.S.A. 2-411 et. seq.). This Act provides for: inspection of beekeeping equipment; destruction of diseased bees; certification of healthy bees for out-of-state shipment; and, inspection and regulation of newly discovered pests, such as the Africanized honey bee.
- \* The Noxious Weed Act (K.S.A. 2-1314 et. seq.). From its inception as the Field Bindweed Control Act in 1937, this statute has undergone numerous changes to where today. It serves to: establish a list of noxious weeds; adopt official methods to control noxious weeds; establish criminal provisions for violation of the Act; provide for cost-sharing of chemical sales; provide for county-option listing for multiflora rose and sericea lespedeza; and, allow counties the option of issuing cost share certificates.
- \* The Barberry Eradication Act (K.S.A. 2-712 et. seq.). This statute declares the common barberry and black stem rust public nuisances and requires the destruction of barberry plants which are susceptible to the rust. Black stem rust is a highly destructive disease of small grains, such as wheat, barley, oats and rye.
- \* The Kansas Grasshopper Act (K.S.A. 19-2409 et.seq.). This law provides for technical assistance by the department to local government entities and permits counties to establish a levy for the purposes of controlling grasshopper outbreaks.
- \* The Agricultural Chemical Act (K.S.A. 2-2201 et.seq.). This statute requires that manufacturers must register their products prior to sale within the state and also provides stop-sale authority to the Department of Agriculture for all products found to be adulterated, misbranded, unregistered or which fail to meet other requirements of law.
- \* The Pesticide Law (K.S.A. 2-2438 et. seq.). The current law is the result of codification of the former Pest Control Act and Pesticide Use Law. It complies with the Federal mandate provided through the Federal Environmental Pesticide Control Act. It provides for: the means to certify to the competence of private and commercial pesticide applicators; the means of providing financial responsibility; registration of retail pesticide dealers; the means of verifying training of uncertified applicators; the assessment of civil penalties of violation of the Act; establishment

of Pesticide Management Areas; certain uses of pesticides not prohibited by their labels; and, state pre-emption of pesticide laws.

- \* The Chemigation Safety Law (K.S.A. 2-3301 et.seq.). This law provides for: the training and certification of chemigation equipment operators; yearly permitting of wells utilizing chemigation equipment; and, the installation and maintenance of appropriate anti-pollution devices.

What can readily be seen by the above discussion of functions of this division is the intimate, interlocked nature of that which is "plant protection" and that which is "pesticide management".

It seems often forgotten that pesticide regulation is not the sole reason for the existence of the division. Timely, statewide pest detection and thorough surveillance, often coordinated with neighboring states, forestalls or reduces the need for pesticide application. By the same token, judicious, just-in-time, prescription application of pesticide often prevents little problems from becoming big problems.

The careful, hand-in-hand cooperation of our Plant Protection and Pesticide Use sections allows this to occur. A prime example of this was the carefully timed release, county by county, of the pesticide "Capture", under a section 18 registration year before last. The result was timely control, with lower production input costs and reduced environmental insult.

Funding and Outlay. The accompanying figures represent funding and expenses for the current operating budget as well as for the Governor's proposed budget for Fiscal Year 1996. The appended charts graphically depict those figures.

In particular, note that in 1995 41.44 percent of funding comes from the State General Fund, while 29.74 percent comes from federal sources. Fee sources amount to 28.83 percent, most of which comes from pesticide registration fees.

In the proposed FY 1996 budget, 43.58 percent would come from the State General Fund, 27.18 percent from federal sources and 29.24 percent from fee funds.

The overall operating budget would increase nominally over 2 percent, from FY 1995 to FY 1996.

Philosophy of Regulation. We believe that a properly educated client is a properly regulated client. Therefore, our strategy is to expend our primary effort and resources on compliance education, or "outreach". With this strategy, we attempt to reach the "newly-in-business", as well as the more mature firms. In so doing, we point out that, while it is the law which must be observed, they, their customer, their industry, the taxpayer and the environment all benefit by their proper actions.

When our attempts to teach fail, then, and only then, will we apply measures of enforcement. Even then, when we find a simple mistake or oversight which results in a

violation, we will point out the problem and allow reasonable time to correct it. This will usually result in a "Warning Letter", much like a traffic warning.

For more severe violations or repeat offenders, administrative civil action is available in the form of fines, denial or revocation of licenses or certification.

For those who deliberately flaunt the law, knowingly do business without a license, or whose actions endanger life or the environment, criminal action is available through local jurisdiction. I am pleased to say that only a minuscule number, certainly less than one percent, ever fall into that category.

I came to this agency from private industry, -- and as a person who has, until joining this agency, spent his entire adult life researching, selling and using pesticides. I can tell you that little rankles the sincere business person more than to have some part of the competition benefit through gain from shoddy workmanship, misleading claims, purposeful avoidance of the law, or outright fraud. When such was brought to light, I expected to see swift, certain action taken by regulatory authorities. Now I am one of those regulating authorities and I promise you and the Kansas taxpayer these things:

- \* Interpretation and administration of the law will not be arbitrary, but will be uniform and without bias;
- \* We will seize every opportunity to teach regulated industries and individuals the positive societal, environmental and business benefits of compliance with the laws and their attendant regulations;
- \* To the best of our abilities, we will develop correspondence, instructions, applications and all other forms of communication so that they are clear, concise and intelligible to the people we serve;
- \* We will strive to not impede the daily activities of the honest, law-abiding, regulated community;
- \* When enforcement becomes necessary, it will be carried out swiftly, surely, fairly and, according to the nature of the infraction, with the full force of the law.

Vision and Future Goals. The face of agriculture is changing, at an increasing rate. Much is being done and written about integrated pest management, non-point source reduction, sustainable management and other necessary goals. But the very fabric of Kansas agriculture is being challenged in ways to which we are just becoming aware.

Alternative agriculture is one. What new pests or disease might lie in store for us, that we will have to learn and detect? Will the switch to sustainable management and methods of non-point source reduction create behavioral resistance problems among pests, while reducing pesticide resistance problems? Will value-added technology create a new set of problems?

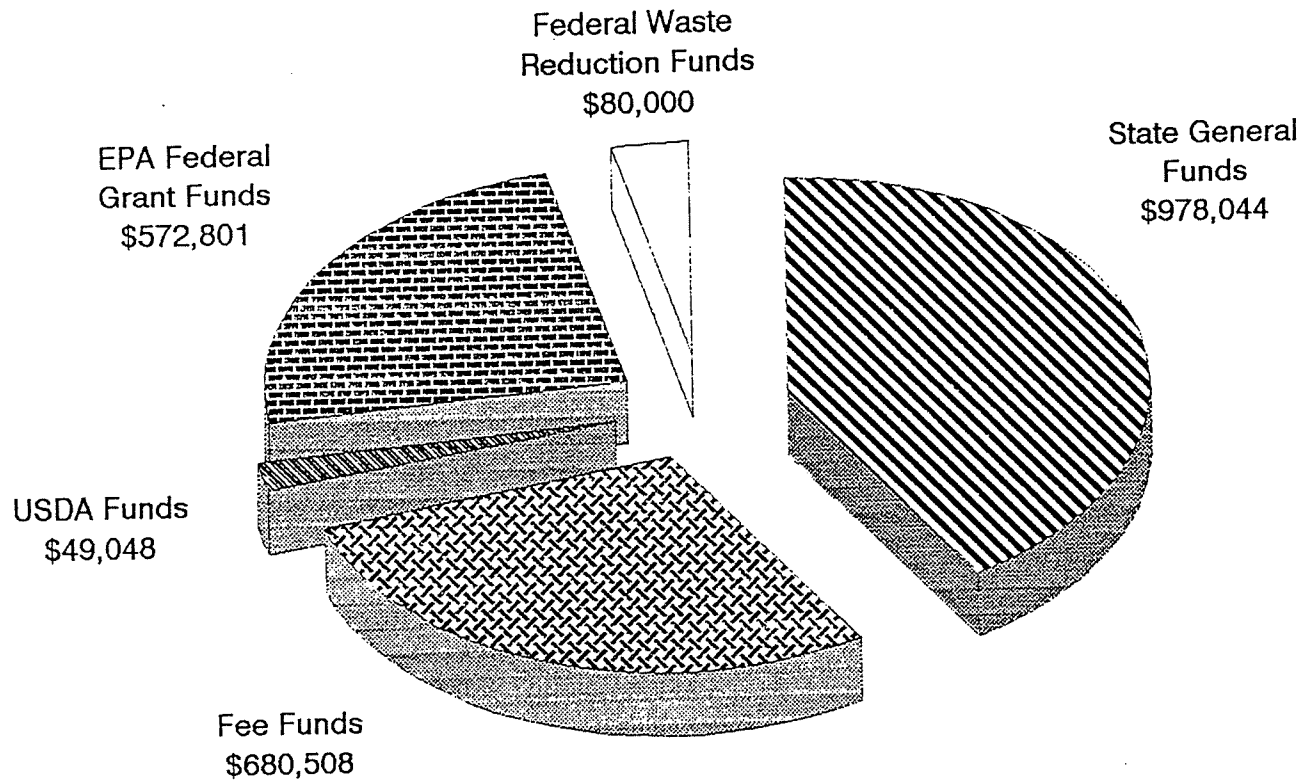
Finally, what will we need to watch for with the new genetically engineered crops? And in a related vein, what will the vastly reduced requirement for pesticides -- due to the widespread introduction of pest and disease resistant crops -- do to pesticide research, introduction and distribution? Will new pests or diseases, heretofore of little or no importance, all of a sudden become important?

What new detection methods and expertise be required? What regulatory changes will need to be made? These and many other unthought of questions will become important and will require answers. We are thinking about these questions. We hope to be of help. The Division of Plant Health, through the education and expertise of its personnel, is capable of meeting the challenges of today and tomorrow.



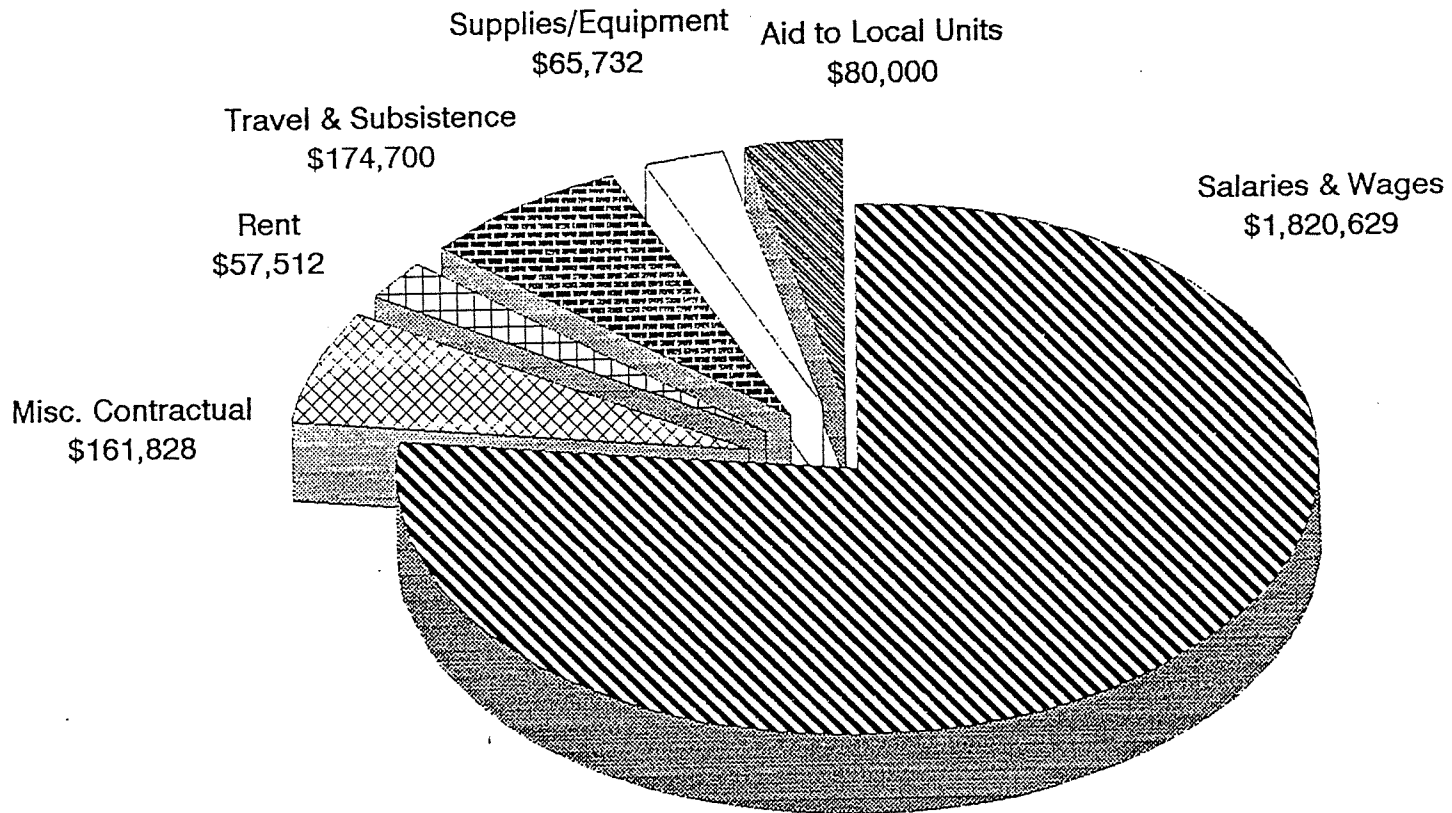
**DIVISION OF PLANT HEALTH  
FY 1995 BUDGET**

**FUNDING SOURCES**



DIVISION OF PLANT HEALTH  
FY 1995

EXPENDITURE CATEGORIES





**DIVISION OF INSPECTIONS**

**901 S KANSAS AVE**

**TOPEKA KS 66612**

*House Agriculture  
Attachment 2  
1-18-95*

## DIVISION OF INSPECTIONS

The Division of Inspections is responsible for the following laws in the following areas:

### MEAT AND POULTRY INSPECTION PROGRAM

Kansas Meat & Poultry Inspection Act  
Kansas Bait & Switch Law

### AGRICULTURAL COMMODITY ASSURANCE PROGRAM

Egg Inspection Act (Shell Egg Surveillance Contract - USDA)  
Feed Inspection (includes Pet Food) (Feed Mill Inspections and Tissue  
Residue Investigation Contracts - FDA)

Seed Inspection  
Soil Amendments  
Fertilizer Inspections  
Fertilizer Containment  
Anhydrous Ammonia Safety Program  
Livestock Remedies  
Liming Materials

### DAIRY INSPECTION PROGRAM

Grade A - Fluid Milk Program  
Manufacturing - cheese & dairy products  
Milk Processing Plants  
Counter Freezers (includes home made ice cream)  
Milk Haulers  
Milk Testers  
Single Service Container plants  
Homemade Ice Cream manufacturer

### WEIGHTS AND MEASURES

Petroleum Measurement Enforcement  
Scales  
Packaged Commodities  
Bulk Tank Meters  
Liquid Petroleum Gas Meters  
Headhouse Scales  
Metrology Laboratory

The Meat and Poultry Inspection Act (K.S.A. 65-6a37) requires an annual license, license fee and inspection of all slaughtering, processing or food manufacturing facilities which are amenable to the Act. Any product manufactured that contains 3% by weight of meat, poultry, or other meat products is amenable. This includes items such as pizzas, bierocks, beef jerky and other specialty products.

The Bait and Switch Law (K.S.A. 50-901) addresses deceptive sales of meat and poultry products and addresses deceptive advertising, product representation, price representation and establishes penalties for violations. There are no licenses nor fees in this area.

The Egg Inspection Act (K.S.A. 2-2501) requires that an inspection fee of 3.5 mills be paid quarterly on all eggs sold, offered or exposed for sale to food purveyors. Eggs are required to be accurately labeled as to size and grade. Also addressed is handling requirements, labeling and freshness. The division performs Shell Egg Surveillance inspections under contract with USDA. This program was enacted in 1970 (Public Law 91-597). It prescribes the procedures for registering egg handlers, identifying and handling restricted eggs and making inspections and related record work.

The Feed Inspection Act (K.S.A. 2-1001) requires that feeding stuffs sold in Kansas be registered and fees paid accordingly. It includes provisions on labeling, product analysis and custom formulated feeds. Included in the act are pet foods. Good Manufacturing Practices are covered by Rules and Regulations. The purpose is to prevent adulteration of animal and pet foods. The division has negotiated contracts with FDA to perform 70 feed mill inspections and perform tissue residue investigations on an assignment basis. Both activities are designed to reduce or prevent adulterated food products by insuring the integrity of the livestock feed supply and identifying problem areas. The feed law includes requirements the livestock feed manufacturers comply with Good Manufacturing Practices (GMP's). GMP's include the keeping of accurate records, maintenance of equipment and the establishment of approved procedures.

The Kansas Seed Law (K.S.A. 2-1415-1428) was amended in the 1991 Session and requires registration and registration fees for retailers (\$10), wholesalers (\$175), and retailer/wholesaler combination (\$185). The law does include a farmer exemption. The Seed Law requires compliance with labeling requirements which include variety name, germination, restrictions on noxious and restricted weed seeds, inert material, and the Plant Variety Protection Act (PVPA), etc.

Soil Amendments (K.S.A. 2-2801) marketed in Kansas shall be registered and pay both a registration fee of \$25 and inspection fee of \$.20 per ton. A proof of efficacy is required.

The Fertilizer Law (K.S.A. 2-1201) provides for the registration and inspection of fertilizers. In addition to the inspection fee, an additional fee is included to fund the State Water Plan. The current rate for both is \$1.70 per ton.

The Fertilizer Containment Act (K.S.A. 2-1226-2-1231) addresses requirements necessary for proper storage of dry and liquid fertilizer used in Kansas. Regulations will address, design, construction, location, installation and operation for the storage and handling of commercial fertilizer. It includes confinement of spills, discharge and for prompt recovery. Construction or alteration to be approved by the Secretary.

Agricultural Liming Materials Act (K.S.A. 2-2901-2-2912) establishes registration and registration fees for liming materials sold in Kansas. Also included are regulations on advertising, adulteration, inspection, sampling, labeling and penalty sections. Labeling shall include brand, net weight, name of manufacturer, calcium carbonate equivalent and other information for the consumer.

The Anhydrous Ammonia Safety Program (K.S.A. 2-1272) provides for the inspection and approval of NH<sub>3</sub> equipment and systems. Included are the requirements for markings, location, valves, piping, hose specifications, and general rules for safety, filling, transferring or unloading. Permanent storage container requires annual proof of inspection prior to filling.

Petroleum Measurement Enforcement Program (K.S.A. 55-422a) includes the inspection of fuel dispensing devices, testing for compliance with fuel quality standards and the payment of fees to the Director of Revenue at the rate of \$.01 per barrel. Mislabeling or adulteration of fuel is illegal.

Livestock Remedies (K.S.A. 47-501) includes all drugs, combinations of drugs and other preparations prepared for the treatment or prevention of any disease or ailment of any animals and sold over the counter. Any person selling livestock remedies shall first register, pay the appropriate fees and comply with regulations on labeling and standards for quality, strength and purity. An official representative sample of each brand may be analyzed for compliance with the regulations, standards and labeling requirements.

Scales (K.S.A. 83-201) shall be inspected annually for accuracy by a licensed scale company, an authorized city or county scale program employee or by the Kansas State Board of Agriculture. Commercially used scales shall be inspected annually and records of such inspection, testing or repair are forwarded to the Weights and Measures office. It is a violation to have devices that have not been tested within the calendar year or to have devices out of tolerance.

Packaged Commodities (K.S.A. 85-150) addresses the requirement for accurate measurement of weight, volume, count, length, or size of packaged commodities sold in Kansas. Measurement shall be accurate on all products sold, offered for sale or exposed for sale in Kansas.

Bulk Tank Meters (K.S.A. 401-410) is for the fuel delivery vehicles delivering diesel or gasoline in Kansas. Meters used in measuring fuel deliveries shall be tested annually by a licensed service company and results submitted to the Weights and Measures office within five calendar days.

Liquid Petroleum Gas (K.S.A. 83-143) deliveries are subject to the same requirements as the bulk fuel meters. The purchaser shall receive an accurate invoice showing the quantity sold, expressed in pounds, gallons or cubic feet. When vapor meters reading in approved units other than cubic feet are used, the invoice shall clearly indicate to the purchaser a factor to convert to cubic feet or gallons. Retail sales shall include a ticket indicating gallons of liquefied petroleum gas sold or delivered. Meters shall be inspected annually by a licensed service company and results shall be submitted to the Weights and Measures office within five calendar days.

Headhouse Scales (K.S.A. 83-301) involves the testing of the scales in the upper portion of grain elevators or head houses. These scales are also referred to as "hopper" and/or "electronic bulk weighing scales" due to their design. These scales, over which "official" weights are issued, are tested every six months. The device owner is responsible for the cost of testing.

The Metrology Laboratory is operated to maintain traceability of official weights and measuring devices or to maintain the official standards. Licensed service companies are required to have their weights and volumetric measuring devices or other standards certified by the Metrologist. Standards utilized by the inspection staff are also regularly certified by the Metrology Laboratory.

The Dairy Law (K.S.A. 65-701) addresses the following:

Grade A dairy farms are regularly inspected to maintain a wholesome, safe supply of milk and dairy products. Inspection includes sanitation, use of antibiotics, refrigeration, handling and approved facilities. An inspection fee of \$.01 per hundred lbs. is collected through the associations.

Manufacturing dairy farms producing milk for cheese and other dairy products are inspected. A fee of \$.01 per hundred lbs. is collected to pay for the inspection program.

Milk processing plants are thoroughly inspected on a regular basis to assure a safe wholesome product is produced. Plants are required to pay \$.0075 per hundred lbs. for manufacturing grade products and \$.01 per hundred lbs. for grade A products processed.

Counter freezers or soft serve machines are required to be registered and pay a registration fee of \$50 per establishment. Inspections are made at least twice a year which includes sampling to check for bacteria, coliform and product standards of identity.

A license to sell homemade ice cream is required for licensed food service establishments. The fee is \$50.00. Bacteria and coliform standards must be maintained within the Regulatory limits.

Milk haulers are required to be licensed, and must pass a written test. A fee is assessed.

A fee and license summary sheet is included in addition to a set of forms which are coded to the respective program or law.

| ACTIVITY                                  | LAW          | LICENSE/<br>REGISTRATION | FEEES                | COMMENTS      |
|---|--------------|--------------------------|----------------------|---------------|
| <b>MEAT &amp; POULTRY</b>                 |              |                          |                      |               |
| Registrations                             | KSA 65-6a 37 |                          |                      |               |
| Inspected facility slaughtering 300+      |              | \$250 annual             | N.A.                 |               |
| Inspected processing facility             |              | \$250 annual             |                      |               |
| Inspected slaughter/processing facility   |              | \$250 annual             |                      |               |
| Federally Inspected facility              |              | \$250 annual             |                      |               |
| Custom Slaughter facility                 |              | \$200 annual             | N.A.                 |               |
| Custom Processing facility                |              | \$200 annual             |                      |               |
| Custom Slaughter/processing facility      |              | \$200 annual             |                      |               |
| Inspected facility slaughtering -300      |              | \$150 annual             |                      |               |
| Broker                                    |              | \$50 annual              |                      |               |
| Animal food manufacturer                  |              | \$50 annual              |                      |               |
| Small/seasonal slaughter facility         |              | \$50 annual              |                      |               |
| State-owned facility (Regent institution) |              | \$50 annual              |                      |               |
| Facility at public secondary school       |              | \$50 annual              |                      |               |
| Bait and Switch                           | KSA 50-901   | N.A.                     | N.A.                 |               |
| <b>DAIRY</b>                              |              |                          |                      |               |
|   | KSA 65-701   |                          |                      |               |
| Milk Hauler's License                     |              | \$25 annual              |                      |               |
| Testers License                           |              | \$25 annual              |                      |               |
| Grade A Milk                              |              |                          | \$.01/100 lbs.       | producers tax |
| Manufacturing grade                       |              |                          | \$.01/100 lbs.       | "             |
| Distributor's License                     |              | \$120 annual             |                      |               |
| Grade A Milk, milk products               |              | \$.01/100 lbs.           |                      |               |
| Frozen dairy dessert                      |              |                          | \$1.00/1,000 gallons |               |
| Manufacturer's License                    |              | \$120 annual             |                      |               |
| Manufacturing milk                        |              |                          | \$.0075/100 lbs.     |               |
| Frozen dairy dessert                      |              |                          | \$1.00/1,000 gallons |               |
| Single Service Manufacturer License       |              | \$50 annual              |                      |               |
| Home Made Ice Cream Manufacturer License  |              | \$50 annual              |                      |               |
| Counter Freezer License                   |              | \$50 annual              |                      |               |
| Receiving & Transfer Station License      |              | \$50 annual              |                      |               |

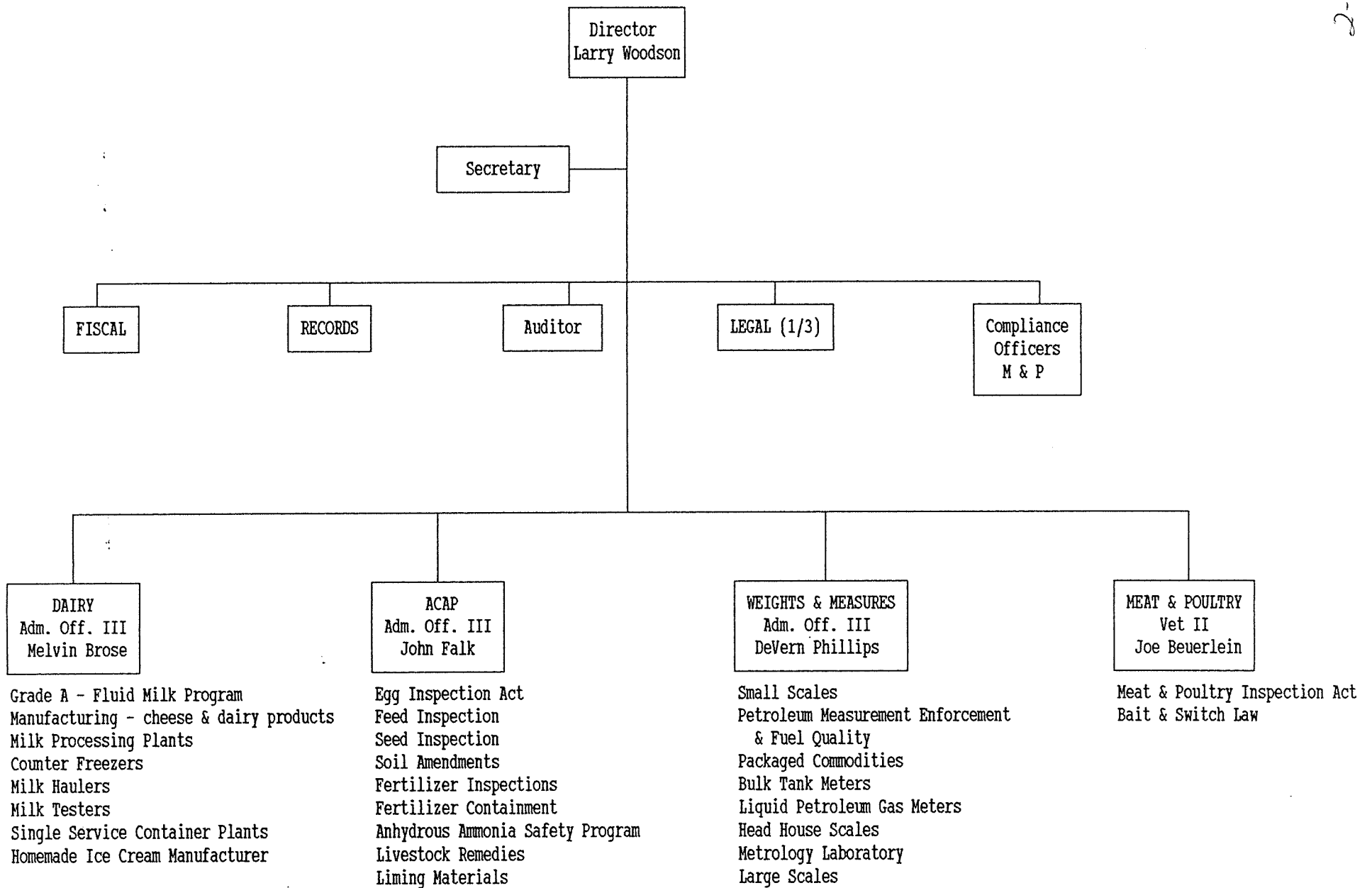
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| ACTIVITY  | LAW                    | LICENSE/<br>REGISTRATION    | FEEES                          | COMMENTS   |
|---|------------------------|-----------------------------|--------------------------------|--|
| ACAP (Agricultural Commodities Assurance Program) |                        |                             |                                |  |
| Feeding Stuffs                                    | KSA 2-1001             |                             |                                |  |
| Pet food  |                        | \$25 per product            | N.A.                           | 10 lb. & under   |
| Commercial/custom                                 |                        | N.A.                        | \$.10 per ton<br>(semi-annual) | 10 lb. & over<br>(\$15 minimum)  |
| Specialty   |                        | \$15 per product            | N.A.                           | (caged animal)   |
| Soil Amendments                                   | KSA 2-2801             | \$50 per product-<br>annual | \$.20 per ton<br>semi-annual   |  |
| Fertilizer  | KSA 2-1201             | \$5 per product-<br>annual  | \$1.70 per ton<br>semi-annual  | \$1.40 Water Plan<br>\$ .26 Inspections Fee<br>\$ .04 Fert.Research Fund |
| Fertilizer Blenders                               |                        | \$25 annual                 | N.A.                           |  |
| Livestock Remedies                                | KSA 47-501             | \$10 per product/annual     | N.A.                           |  |
| Eggs  | KSA 2-2501             | \$5 annual                  | \$.0035 per dozen              | (\$15 minimum)   |
| Anhydrous Ammonia                                 | KSA 2-1272             |                             |                                |  |
| Seed Law  | KSA 2-1415-1428        |                             |                                |  |
| Retailers   | as amended in 1991     | \$10 annual                 |                                |  |
| Wholesalers                                       |                        | \$175 annual                |                                |  |
| Retailer/Wholesaler Combination                   |                        | \$185 annual                |                                |  |
| WEIGHTS AND MEASURES                              |                        |                             |                                |  |
| Ag Lime   | KSA 2-2901<br>et. seq. | \$25 per quarry -<br>annual | \$.05 per ton-<br>annual       |  |
| Weights & Measures                                | KSA 83-201             |                             |                                |  |
| Laboratory fees for testing                       | KSA 83-214             |                             | \$30 per hour                  |  |
| Head House Scale Testing                          | KSA 83-214             |                             | \$50 per hour                  |  |
| Package checking                                  | KSA 85-150             |                             |                                |  |
| Service Company Certification License             |                        | \$50 annual                 |                                |  |
| Liquid Petroleum Fuel                             | KSA 83-143             |                             |                                |  |
| Gas Pumps/Fuel Quality                            | KSA 55-422(a)          |                             |                                |  |

# DIVISION OF INSPECTIONS

2-8



For licensing or further information contact

Division of Inspections  
901 S.W. Kansas  
Topeka, KS 66612  
(913) 296-3511

Director  
Larry D. Woodson 296-3511

Dairy  
Melvin L. Brose 296-3731

Meat and Poultry  
Dr. Joe Beuerlein 296-3511

ACAP (Agricultural Commodities Assurance Program)  
John Falk 296-3786

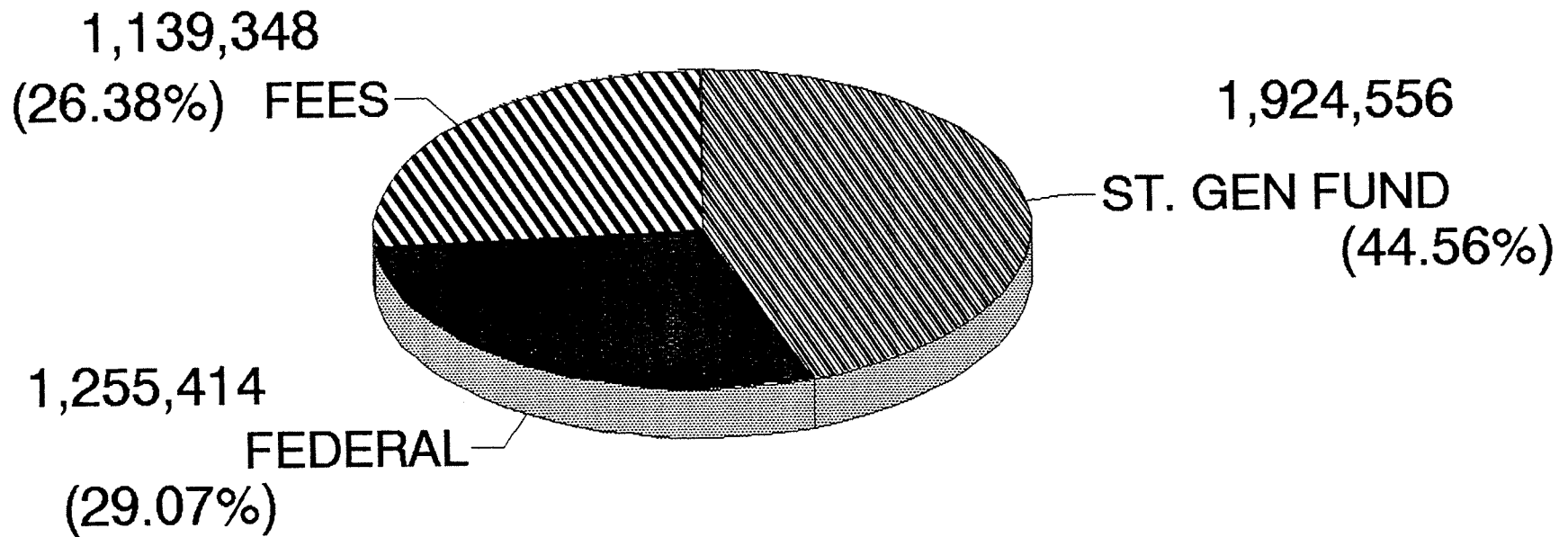
Weights and Measures  
DeVern H. Phillips 267-4641

Metrology Laboratory 267-4641  
2016 S.W. 37th St.  
Topeka, KS 66614

# DIVISION OF INSPECTIONS

## BUDGETED FUNDING 1996

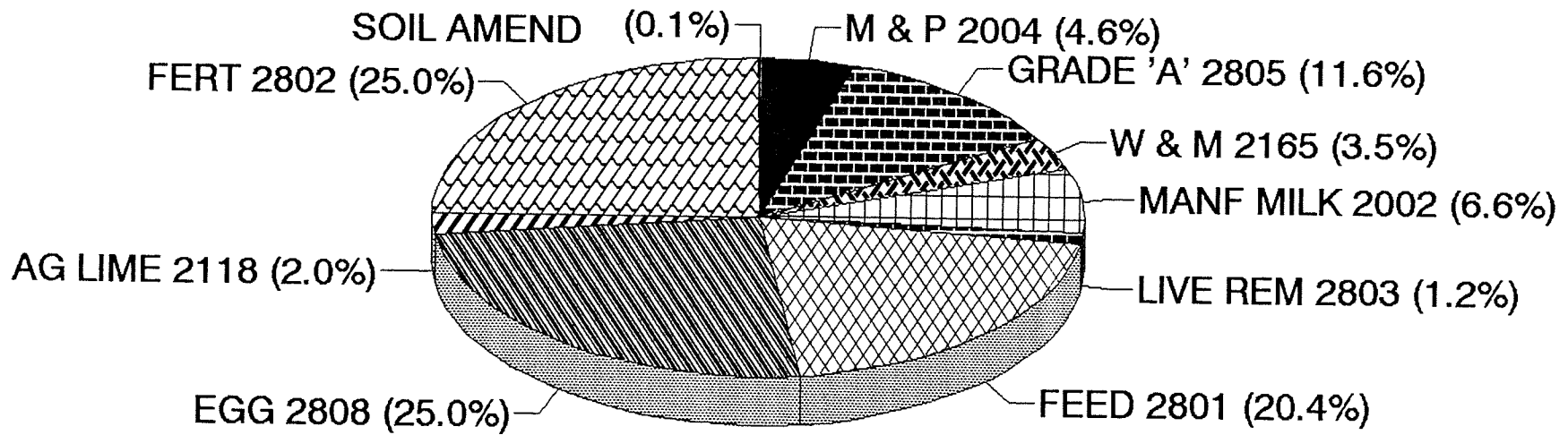
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# DIVISION OF INSPECTIONS FEE FUNDS

FY'96

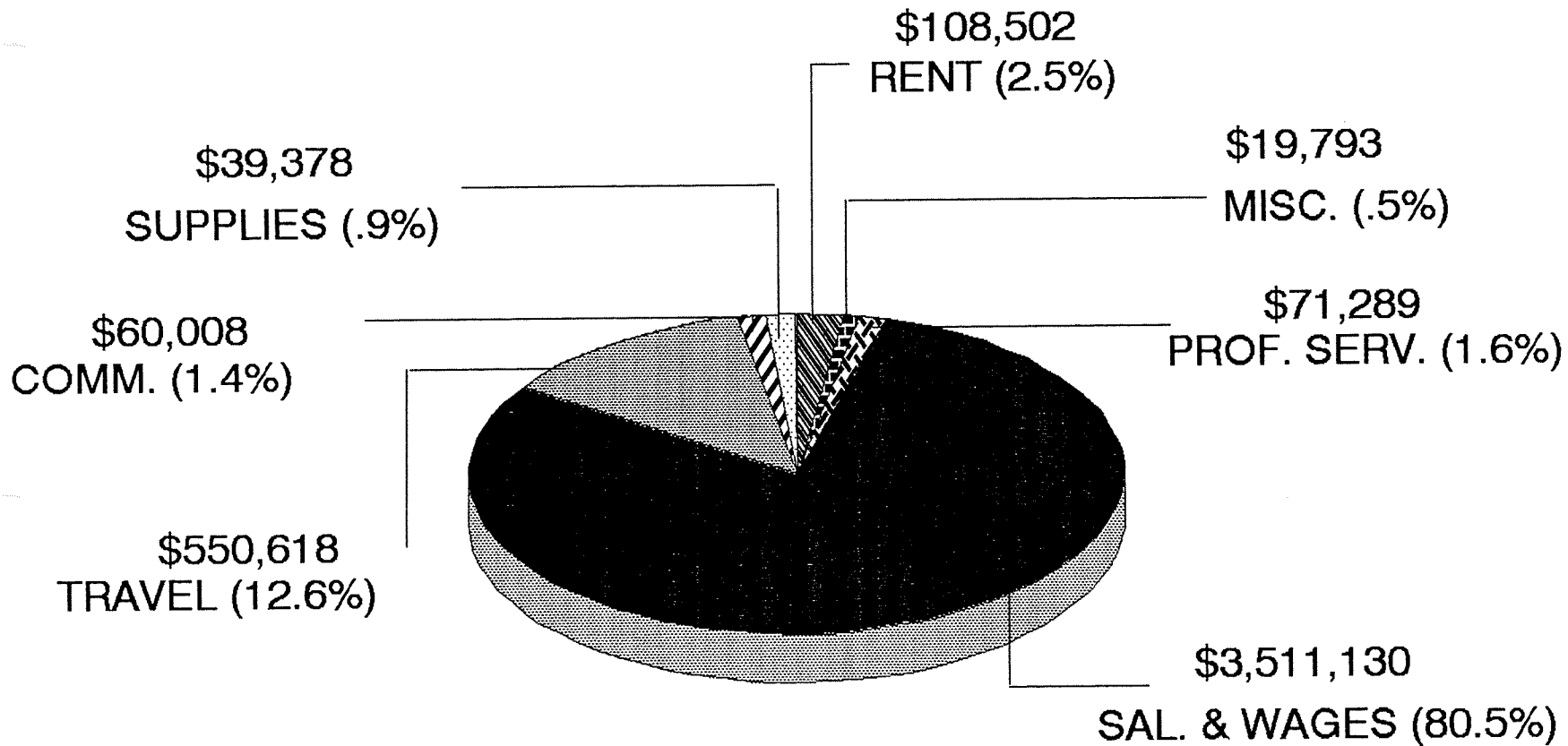
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# DIVISION OF INSPECTIONS

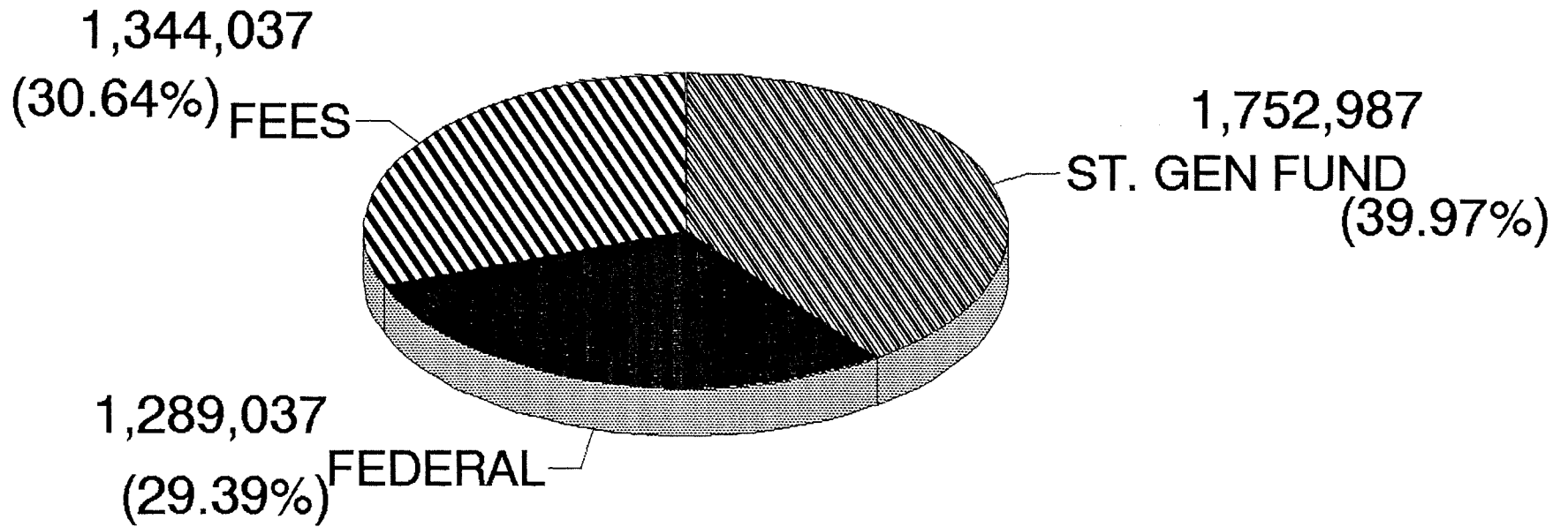
BUDGETED FY 1996

DIVISION BY OBJECT CODE



# DIVISION OF INSPECTIONS

## BUDGETED FUNDING 1995

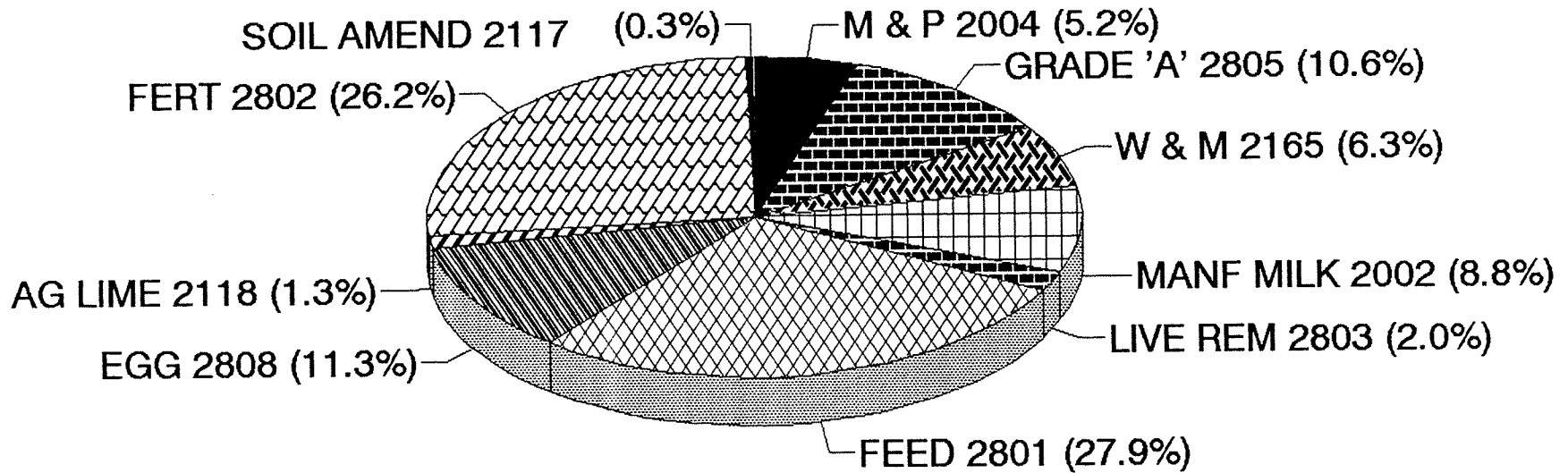


# DIVISION OF INSPECTIONS

## FEE FUNDS

FY'95

2.14



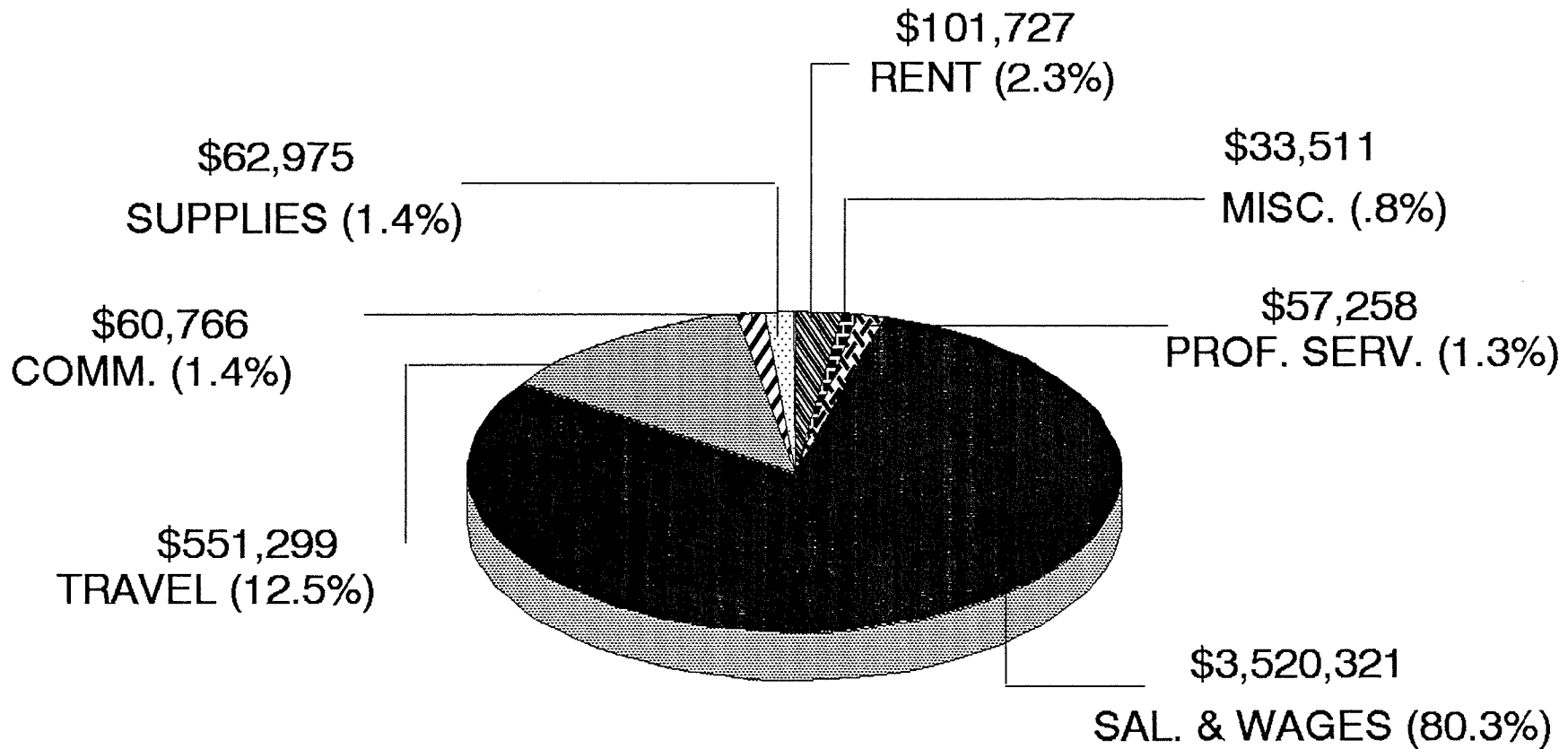


# DIVISION OF INSPECTIONS

BUDGETED FY 1995

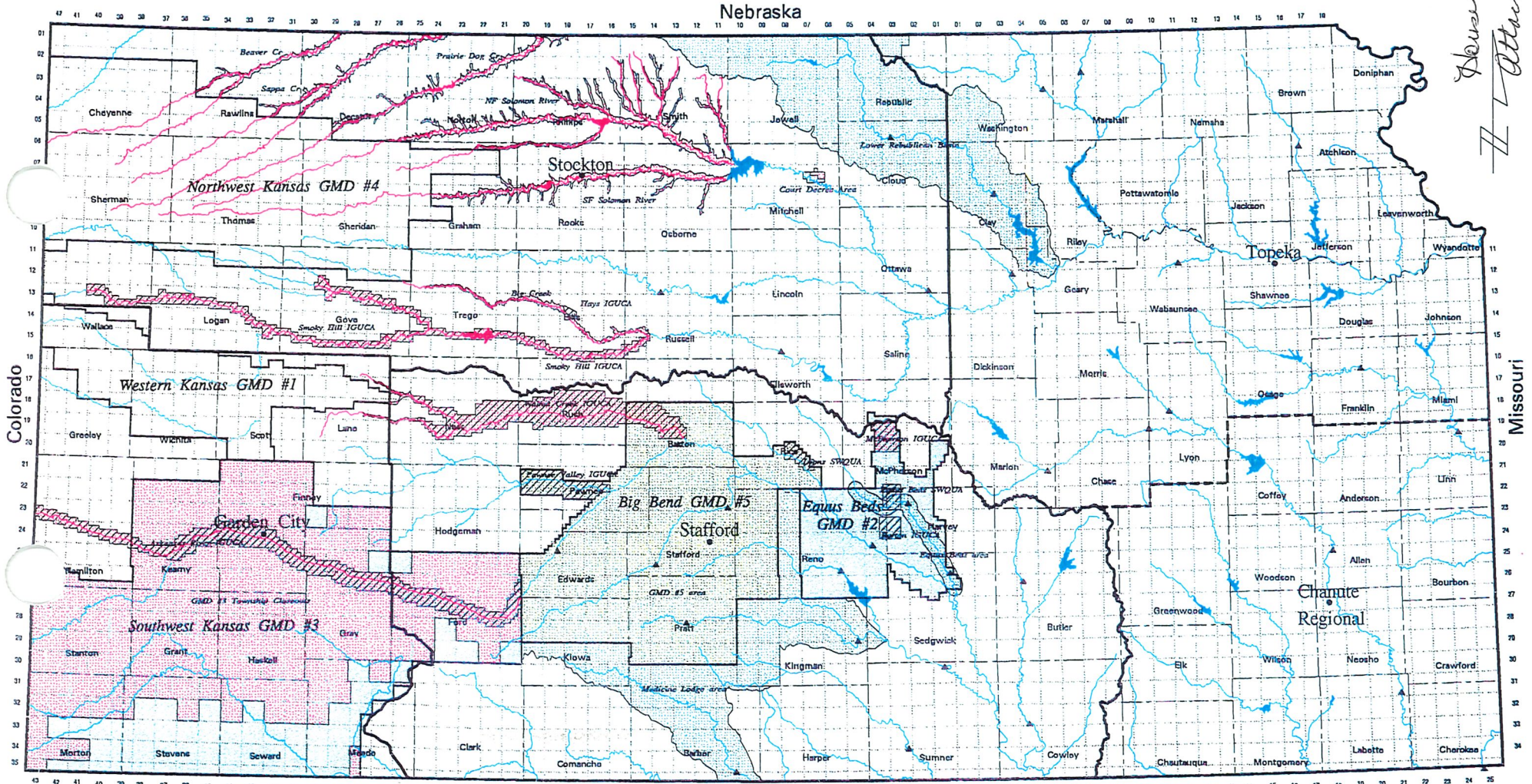
DIVISION BY OBJECT CODE

2-15



# Closed and Restricted Areas

*Kansas Agriculture  
Attachment 3  
1-18-95*



- GMD #4 #1 & #5
- GMD #3 & #2
- IGUCA or SWQUA
- Closed Area, generally excluding temporary and other small uses in some cases. See policy for details.
- Area subject to Special Restrictions. See policy for requirements.
- Closed Streams, generally excluding temporary and other small uses in some cases. See policy for details.
- Restricted Streams, specific restrictions for streams and alluvium given in policy.
- County
- Field Office Boundary
- Chautauque Regional Boundary
- Field Office
- Name of affected area
- MDS Gaging Station

March 1994  
 Disclaimer-Features on this map represent conditions as of the date of map and are subject to change. The user is referred to specific policies, regulations, and/or orders of the Chief Engineer.

**KANSAS DEPARTMENT  
OF AGRICULTURE**

**DIVISION OF PLANT HEALTH**



**The mission of the Division of Plant Health is to effectively apply the resources provided by the people of Kansas to regulate the sale and use of pesticides; to guard against incursion by pests and weeds and their threat to humans, animals and food, feed and horticultural crops; to promote safe, judicious and environmentally sound pest management practices, from the soil to the supermarket; to facilitate the sales and exports of clean, abundant Kansas agricultural commodities.**

*House Agriculture  
Attachment 4  
1-18-95*

## **History of Plant and Environmental Protection**

**I**n earlier times, before humans started exploring the world, insects, plant diseases, and plants were confined by natural barriers such as oceans, deserts, mountains, and their own ability to move and establish new populations. As our predecessors populated new lands they often deliberately or accidentally transported "native" species from their homelands into new areas with no natural enemies, where they quickly outgrew normal population limits and became "pests."

**B**y the late 1800s, more than 75 percent of the "pests" in the U.S. were introduced or non-native species. Even before the enactment of the Federal Plant Pest Act of 1912, Kansas enacted laws to protect the state from unwanted plant and apiary (honeybee) pests. Since 1907, the Plant Health Division has confronted such problems as San Jose scale, black stem rust, Dutch elm disease, Japanese beetle, oak wilt, gypsy moth, alfalfa weevil, musk thistle, and many threats to our agriculture, horticulture, and environment.

**T**he increasing use of pesticides following World War II demonstrated the need to regulate these products and their application to ensure consumer and environmental protection while pest control activities were conducted. Kansas has been involved in the regulation of pest control products and application since the late 1940s. These programs are designed to assure pest control product quality and minimize environmental impact from inappropriate product application.

## **Introduction to Pesticide Programs**

Pesticides are chemicals or other agents used to eliminate, repel, or otherwise afford protection from pests. Types and uses of pesticides include insecticides, herbicides, rodenticides and fungicides. Regulatory authority is divided between state and federal law. The Plant Health Division regulates the sale, distribution, and use of pesticides in Kansas. State general revenue and fees support the state activities and the U.S. Environmental Protection Agency provides grants that enable the division to enforce federal law. Pesticide program activities are described below.

### *Certifying Pesticide Applicators*

In order to purchase and/or apply any pesticide classified as "restricted use," applicators are required to demonstrate competence in the safe handling and proper use of pesticides by passing one or more examinations. A strong certification program benefits the state by improving the competence of pesticide applicators.

### *Licensing of Commercial Pesticide Applicator Businesses*

To ensure a level of quality for the consumer of Kansas, businesses that apply pesticides for hire are required to register each year with the Division of Plant Health. The businesses must have at least one Kansas certified commercial applicator, show proof of financial responsibility and maintain specific records.

### *Production and Sale of Pesticide Products*

All pesticides sold in the state, both agricultural and household insecticides, must be registered by the division. Product labels are reviewed to ensure they contain adequate directions for use and safety precautions to protect the user, the public and the environment. Inspections are conducted where pesticides are sold to ensure that products offered for sale are legal and properly labeled. Businesses that sell pesticides must be registered with the Plant Health Division.

## *Investigations of Use and Possible Misuse*

Pesticides are tools that must be used with care and caution. Division staff respond to complaints including alleged and/or observed misuse of pesticides or other violations. In addition, inspections of regulated businesses or persons who use pesticides are performed. Samples of soil, plant material, air, water, and other items may be collected for laboratory analysis, along with other evidence necessary to support administrative action by the agency or criminal action by the appropriate county or district attorney.

## *Application of Chemicals Through Irrigation Water*

Sometimes the most efficient way to apply pesticides, fertilizer or other chemicals or animal wastes is through an irrigation system. This is "chemigation" and anyone who uses this method must be registered with the Plant Health Division and must install and maintain certain safety devices in their irrigation systems to prevent possible contamination of their water source.

## *Protecting the Worker*

Reducing exposure to pesticides is the goal of the Worker Protection Standard. Federal regulations establish requirements that must be followed to prevent or reduce the exposure of farm workers to pesticides.

## *Protecting Endangered Species*

The Kansas environment includes a number of endangered animals and plant species. Division staff are working to increase the awareness of this resource and to decrease the adverse effects of pesticides on these species.

## *Protecting Ground and Surface Water*

Water quality is a major issue. To protect this vital resource, the division is developing state management plans designed to prevent pesticide contamination of Kansas resources. This includes educational efforts, monitoring water quality, and both voluntary and mandatory changes in resource management practices.

## *Exporting our Agricultural Products*

Just as people need a passport or visa for foreign travel, agricultural products must meet pest quarantine requirements of their destination state or foreign country before shipping. Each year, Plant Health Division staff inspect and certify more than \$200 million worth of Kansas-grown plants and plant products destined for more than 30 foreign countries. This service benefits producers, exporting industries, and the Kansas economy.

## *Excluding Foreign Pests and Weeds*

Numerous unseen "alien" pests cross our borders each year under the cover of soil, roots, leaves or stems of imported plants. Sometimes they are hidden eggs or seeds, innocently carried by people or animals. They have names such as gypsy moth, Japanese beetle, khapra beetle, leafy spurge and musk thistle. Division staff monitor points of entry and other high-risk areas by placing traps, inspecting commodities and equipment, and evaluating requests for importation into Kansas. These activities help protect the state's natural and cultivated plant resources, including woodlands, wetlands, production fields, public landscapes, private yards, gardens and homes.

## *Detecting Crop Pests*

Competition for food begins well before it reaches the dinner table. Chances are good that many of the foods we consume were first visited by insects, mites or disease organisms such as fungi, bacteria and viruses. Division staff are in the field during the growing season to detect crop pests. Growers and other interested persons are alerted to their presence before serious problems arise. These timely alerts save crops, provide appropriate timing for control, and help the environment by preventing needless use of chemicals.

## *Detecting Nursery Pests*

Next time you shop for nursery stock, take a few moments to examine it carefully. It should be clean, green, thriving and ready to transport to your yard. Nursery stock, both local and imported, is regularly inspected by Plant Health Division staff for native and imported pests. These inspections protect the environment by preventing the entry or spread of plant

## **Introduction To Plant Protection Programs**

pests. Look for Kansas certified nursery stock or licensed nursery dealers when you purchase nursery stock. The plants and environment you save may be your own.

### *Keeping Honeybees Healthy*

The next time you use honey, consider that it took one honeybee an entire lifetime to produce one-half teaspoon of this amazing natural food. When honeybees are stressed by disease or parasites, they produce much less honey and cannot pollinate as many plants. Food crops, trees and home gardens all suffer without the honeybee. Division staff inspect all interstate movement of honeybees to ensure they are free of pests and disease. Diagnostic services also are provided to Kansas beekeepers.

### *Biological Control of Pests*

Ladybugs consume aphids and can perform better than many chemical treatments because they consume only aphids and they return year after year. Many other beneficial insects work as predators or parasites of harmful insects, mites and weeds. Division staff have been involved in the collection and release of biological control agents against the greenbug, Russian wheat aphid, alfalfa weevil, pine sawfly, Canada thistle, and, in cooperation with county noxious weed departments, musk thistle. Biological control agents provide a safe, clean, and renewable alternative to chemical pesticides.

### *Controlling Noxious Weeds*

Noxious weeds steal income from landowners by reducing yields and productivity on infested land. Nearly all Kansas noxious weeds are of foreign origin and are the targets of control efforts by landowners and managers. County weed departments are an integral component of this control effort. Plant Health Division staff provide direction, guidance and assistance to counties in the battle against noxious weeds.



The enforcement section provides technical compliance and legal support and assistance to all complainants and division staff regarding violation of many laws administered by the Plant Health Division.

Staff review inspection and investigation reports to select, prepare and initiate enforcement actions under laws assigned to the division. Such actions could include informal corrective action; ratifying field staff actions such as the issuance of a Notice of Non-Compliance and stop sale orders; issuing a formal Notice of Warning; civil penalties of up to \$5,000 per violation; administrative action to revoke, suspend, modify, or deny a license or certificate; diversion or probation.

The section also serves as the point of contact for referrals from US-EPA and other agencies. Referrals to local prosecutors, other state agencies, and the US-EPA are also made by the enforcement support section when further action, including criminal prosecution or sanction under federal law, is appropriate.

The section maintains the files on pesticide program inspections and investigations and tracks accomplishments on a computer database for reports to agency administrators, the US-EPA and other interested parties.

## Plant Health Division Contacts

|                                |              |
|--------------------------------|--------------|
| Director.....                  | 913-296-2263 |
| Plant Protection Programs..... | 913-296-2263 |
| Pesticide Programs.....        | 913-296-2236 |
| Enforcement Section.....       | 913-296-5442 |
| Division FAX number.....       | 913-296-0673 |

For information on any Kansas Department of Agriculture program,  
call 913-296-3556

Division of Plant Health  
Kansas Department of Agriculture  
901 South Kansas Avenue  
Topeka, Kansas 66612-1281

## Introduction to Enforcement Activities

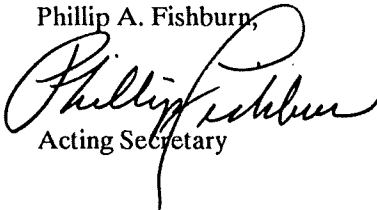
**From the  
Secretary of  
Agriculture**

History teaches us that civilizations often rise and fall with the growth or decline of agriculture. Many past civilizations fell into oblivion because they damaged the environment beyond their ability to maintain or repair it. Soils were depleted, forests destroyed and lands overgrazed. The potential to repeat these environmental and social disasters is ever-present.

We at the Kansas Department of Agriculture take the view that maintaining the quality of our state's environmental and natural resources is vital to both the producer and the consumer. We must consider the roles and function of agriculture in an increasingly urbanized world. We must also reach out to the state's urban citizens who are not in frequent contact with the land which produces the food and fiber upon which we depend.

I am pleased with the role and accomplishments of the Plant Health Division in its efforts to protect the state and its environment from destructive plant pests and the improper use of pesticides. I hope you will find this brochure useful, interesting and informative.

Phillip A. Fishburn,

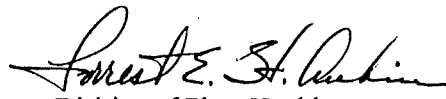


Acting Secretary

**From the  
Director,  
Plant Health  
Division**

Kansas is a land of prairies, fields, streams and woodlands, but it is our state's people and their concerns for our resources and environment that determine our nationally recognized quality of life. The Plant Health Division of the Kansas Department of Agriculture places quality first in its mission to serve Kansas citizens and protect the state's cultivated and natural resources. Whether it is crops you grow and market, the trees and shrubs you purchase for your home, or the pest control products and services you obtain, chances are the Plant Health Division has been involved to ensure the quality of life you have a right to expect.

Forrest E. St. Aubin, Director



Division of Plant Health