

Approved: 3-9-95  
Date

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson David Corbin at 10:00 a.m. on March 7, 1995 in Room 423-S of the Capitol.

All members were present.

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

Conferees appearing before the committee:  
Chris Wilson, Kansas Agricultural Aviation Assn.  
Jamie Clover Adams, Fertilizer and Chemical Assn.  
Vernon McKinzie, Kansas Pest Control Assn.

Others attending: See attached list

A motion was made by Senator Clark to adopt the minutes of February 21, 22 and 23. Senator Sallee seconded the motion. The motion carried.

Chairperson Corbin announced his intentions for discussion of **HB 2384** on Thursday, March 9, and he opened the hearing on **HB 2104 - requirements for pesticide business service forms.**

Chris Wilson testified that **HB 2104** had been introduced to clarify that the applicators should state the chemical applied in terms appropriate for the type of chemical being used. For agricultural chemicals, the amount applied would be stated in rate per acre according to the label. This information would be more useful for the customer and the inspector (Attachment 1). Ms. Wilson responded to questions.

Jamie Clover Adams supported **HB 2104**. She stated the bill would clarify K.S.A. 4-2455 and make it more "user friendly" for both the applicator and the farmer (Attachment 2).

Vernon McKinzie supported **HB 2104** as it would solve an enforcement problem of recording pesticide application rates both in agricultural and residential applications (Attachment 3).

The hearing was closed.

A motion by Senator Wisdom was made to pass **HB 2104** and have it placed on the consent calendar. The motion was seconded by Senator Sallee. The motion carried.

The meeting adjourned at 10:27 a.m.

The next meeting is scheduled for March 9, 1995.





Chris Wilson  
Executive Director  
4210 Wam/Teau Drive  
Wamego, KS 66547  
OF: (913) 456-9705  
HM: (913) 456-7899

**STATEMENT OF THE  
KANSAS AGRICULTURAL AVIATION ASSOCIATION  
TO THE SENATE AGRICULTURE COMMITTEE  
SENATOR DAVID CORBIN, CHAIR  
MARCH 7, 1995**

Chairman Corbin and Members of the Committee, I am Chris Wilson, Executive Director of the Kansas Agricultural Aviation Association (KAAA). Our more than 300 members are involved in the aerial application of crop protection chemicals in Kansas. Thank you for the opportunity to speak in support of H.B. 2104.

This bill simply would clarify language which has caused confusion since its passage in 1989. At that time, S.B. 3 was passed to establish authority for the creation of pesticide management areas. In conference committee, language was adopted to allow pesticide applicators to apply less than the label rate. This a good environmental practice where efficacy can be achieved at lower rates and is part of the federal law.

Unfortunately when that was done, the language was included in K.S.A. 2-2455(a)(4) which, as current law reads, requires applicators to specify on their statement of service both the rate of application of the pesticide used and the concentration applied. Agricultural pesticides have EPA labels which express the amount of chemical in rate per acre, while

*Senate Ag. Co  
3-7-95*

*attachment 1 1-1*

structural pest control products have labels which express the amount of chemical to be used in terms of percent of concentration.

There has been considerable confusion over the past five years on the part of applicators and agency personnel concerning whether both rate per acre and percent of concentration were required on the statement of service. While most department of agriculture field inspectors have not required both on the statements of service, some have. And an aerial applicator was cited and fined last year for failing to include percent of concentration on his statements. There have been meetings, administrative memos and much discussion, but the situation has not been finally resolved, and we believe it cannot be without clarifying the statute.

This bill will clarify that the applicator should state the chemical applied in terms appropriate for the type of chemical being used. For agricultural chemicals, the amount applied will be stated in rate per acre, according to the label. This information is most useful for the customer and the inspector.

We request your favorable consideration of H.B. 2104, and I would be glad to respond to any questions you may have. Thank you for your consideration of this legislation.

####



Mr. Chairman and members of the committee, I am Jamie Clover Adams, Director of Legislative and Regulatory Affairs for the Kansas Fertilizer and Chemical Association (KFCA). KFCA is the state's trade association for the plant nutrient and crop protection industry. Our nearly 500 members are primarily retailers, but also include distribution firms, manufacturer representatives and others who serve the industry. Our retail members provide agricultural chemical custom application services to farmers and thus deal with the statement of service on a daily basis during the spray season. We are here today to support H.B. 2104.

The portion of the Pest Control Act that sets out the requirements for the statement of service was last amended in 1989. Since that time, KFCA records indicate applicators had and continue to have difficulty understanding and complying with the requirements set out in the statute. In fact, in early 1992, the director of the Plant Health Division at the Board of Agriculture noted he and his field staff had received periodic telephone calls from users experiencing substantial problems complying with the requirements. At that time, the Board of Agriculture stated its intent to make the regulatory language more "user friendly" for both the agency and the industry. Unfortunately, KFCA believes the agency concluded they could not make administrative changes because of the strict wording of the statute.

Therefore, KFCA supports the amendment of K.S.A. 4-2455 to make the statement of service more "user friendly" for both the applicator and the farmer. The purpose of the statement is to inform the farmer about what agricultural chemicals are being applied to his or her crops and at what rate. Complicating the matter with information of little or no value to either party serves no purpose.

The portion in question requires the applicator to list pesticide kind, rate of application, concentration and quantity. In the agricultural plant protection industry, application is calibrated at rate per acre. The concentration requirement is more applicable to the structural pest industry. The amendment allows applicators to list what's relevant to agricultural chemical application and relieves them of the burden of calculating information of questionable value to themselves or their customers without harm to either party.

For these reasons, KFCA urges the committee to favorably report H.B. 2104. I would be glad to respond to any questions you may have.

*Senate Ag Co  
3-7-95  
attachment 2*



**KANSAS**

**PEST CONTROL ASSOCIATION**

**INC**



March 7, 1995

**President**

L. Don Richardson  
(316) 221-2685  
FAX (316) 221-7392

**President-Elect**

Phil Augustine  
(913) 363-4399  
FAX (913) 362-5469

**Vice-President**

Bob Powell  
(913) 232-9344  
FAX (913) 232-4165

**Past-President**

O. Carolyn Nelson  
(316) 792-4351  
FAX (316) 792-4352

**Secretary-Treasurer**

Doug Jarvis  
(913) 825-5143

**Directors**

Region I  
Jerry Milberger  
(913) 782-3600

Region II  
Larry Wills  
(316) 267-0365  
FAX (316) 267-0366

Region III  
Charles R. Carder  
(316) 278-3390

At-Large  
Al Wells  
(316) 662-3616

**Executive Secretary**

Hal Hudson  
3601 S.W. 29th St.  
Suite 116-B  
Topeka, KS 66614-2015  
(913) 271-9220  
FAX (913) 273-9200

Comments on HB 2104

PRESENTED TO SENATE AGRICULTURE COMMITTEE  
BY: Vernon McKinzie, Chair of Kansas Pest Control Association  
Government Affairs Committee

Thank you for the opportunity to appear before you today and speak in favor of HB 2104 as amended by the House. The amended bill will solve an enforcement problem of recording pesticide application rates both in agricultural and residential applications. Presently, the statutes and regulations are unclear on how we record rates of application. In our businesses we record rates of application as a volume and percentage of active ingredient. For example, we may apply one gallon of 0.5% insecticide when treating for fleas, or 200 gallons of 1.0% insecticide when treating for termites. Such rates work fine for these applications, but if we were making lawn or agricultural applications and the label required a rate of two pounds active ingredient per acre to record the volume and percentage it would be impractical. It would be absurd for us to list the flea application in terms of pounds per acre when describing an application to someone's living room carpet.

We were pleased to be invited by the House committee to join with their sub-committee to work out revised language to the benefit of all parties involved. The language as amended was developed and agreed upon with the sub-committee, our association, the aerial applicators, the agricultural applicators and the regulatory officials present at the meeting.

We strongly urge you to adopt HB 2104 as revised. If you have questions, I will be happy to respond.

*Senate Ag. Co.  
3-7-95  
Attachment 3*