

Approved: 1-28-99
Date

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Steve Morris at 10:00 a.m. on January 27, 1999 in Room 423-S of the Capitol.

All members were present except:

Committee staff present: Raney Gilliland, Legislative Research Department
 Bruce Kinzie, Revisor of Statutes
 Nancy Kippes, Committee Secretary

Conferees appearing before the committee:

Allie Devine, Secretary of Agriculture
Steve McKinzie, Chairman, Government Affairs Committee, Kansas Pest Control Association
Bill Fuller, Associate Director, Public Affairs Division, Kansas Farm Bureau
Doug Wareham, Kansas Fertilizer and Chemical Association

Others attending: (See Attached)

Senator Umbarger made a motion to approve the minutes of the January 26, 1999 meeting as submitted. Senator Corbin seconded. Motion carried.

Hearing on:

SB 65 - **relating to commercial fertilizers; concerning inspection fees; funding for pesticide use survey**

Allie Devine, Secretary of Agriculture, testified in support of **SB 65** stating that the bill addresses the issue of the reduction in the fertilizer tonnage fee and the authority to spend \$100,000 from the Fertilizer Fee Fund reserves towards conducting a pesticide use survey (Attachment 1).

Steve McKinzie, Chairman, Government Affairs Committee, Kansas Pest Control Association, provided testimony in support of **SB 65** (Attachment 2). Mr. McKinzie stated the association is very concerned about administration by the U.S. Environmental Protection Agency (EPA) of the Food Quality Protection Act (FQPA). He said currently the threshold limits and risk assessment of pesticides in the FQPA appear to be more a matter of EPA policy than of true science.

Bill Fuller, Associate Director, Public Affairs Division, Kansas Farm Bureau, appeared before the committee in support of **SB 65** stating they support the much needed pesticide use survey and at the same time reducing the Fertilizer Fee Fund (Attachment 3). Mr. Fuller advised they believe fertilizer and pesticide to be related issues.

Doug Wareham, Kansas Fertilizer and Chemical Association, testified in favor of **SB 65**, stating this bill will help ensure that real world data is available and will help ensure that reliable pesticide residue data is considered before any unnecessary restrictions are placed on crop protection products currently utilized by the production agriculture industry in Kansas (Attachment 4).

Hearing on **SB 65** was closed.

Senator Clark made a motion to introduce a bill that would amend the Kansas Veterinary Practice Act. Senator Corbin seconded. The motion carried

The next meeting will be January 28, 1999.

STATE OF KANSAS

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KANSAS DEPARTMENT OF AGRICULTURE

TESTIMONY
TO THE

SENATE AGRICULTURE COMMITTEE

BY

SECRETARY ALLIE DEVINE
KANSAS DEPARTMENT OF AGRICULTURE
JANUARY 27, 1999

Chairman Morris and other members of the Senate Agriculture Committee, I appear before you today asking that you recommend passage of SB 65 so that the Kansas Department of Agriculture is able to address 2 issues - first, the reduction in the fertilizer tonnage fee and secondly, the authority to spend \$100,000 from the fertilizer fee reserves towards conducting a pesticide use survey.

By statute, the secretary of the Kansas Department of Agriculture is required by K.S.A. 2-1205 to lower the fee assessed on the sale fertilizer whenever the "fee is yielding more than is necessary for the purposes of administering the [fertilizer program]". During the last few years, the fee has yielded more than is necessary to cover our expenses. We are proposing the lowering of the fee by \$.03/ton, which amounts to an estimated reduction in revenue of \$56,000 per year. This reduction in the fee will only impact the Kansas Department of Agriculture's revenues, the other recipients of portions of the fertilizer tonnage fee (state water plan and Kansas State University) will not be impacted.

While the Secretary of Agriculture has the authority to reduce the fee by regulation, I felt that the legislature should act on this matter. Future increases require statutory change.

Since the fertilizer fee has been bringing in a significant amount during the last few years, we have established a carryover fund of approximately \$300,000. I am asking your authorization of \$100,000 to be used to conduct a pesticide use survey. This is a one-time authorization. I have spoken with the various agricultural groups and they are supportive of this use of the money because they believe that since producers have paid this fee, it is reasonable to use the fee money to establish data that could one day protect the reasonable use of pesticides in our state as the federal Food Quality Protection Act is implemented.

Thank you for your time and attention to this matter. I would be glad to stand for any questions you may have about SB 65.

Senate Agriculture
1-27-99

Statement by
Steve McKinzie
McKinzie Pest Control, Manhattan, KS
Before the Senate Agriculture Committee
On
Senate Bill 65
January 27, 1999

Mr. Chairman and Members of the Committee: My name is Steve McKinzie. I am the President of McKinzie Pest Control of Manhattan, and I am also the Chairman of the Government Affairs Committee of the Kansas Pest Control Association.

I am here today to speak in support of Senate Bill 65, and more specifically that section of the bill that provides for funding for a pesticide use survey in Kansas. Our Association of about 100 pest control companies licensed by the Kansas Department of Agriculture is very concerned about administration by the U.S. Environmental Protection Agency (EPA) of the Food Quality Protection Act (FQPA).

The FQPA does not just require EPA to take into account the individual risks associated with the single use of a specific product, but now requires EPA to take into account ALL uses of that product. PLUS, they must factor in all of the risk associated with the uses of all other products, which have a similar toxicity. This has resulted in a concept commonly referred to as the "Risk Cup" in which EPA has set threshold limits of potential risks for entire classes of pesticides. Once that threshold is reached the "cup overflows". Either the use of a pesticide already in the "Risk Cup" must be removed to allow other pesticide uses in that class, or any other pesticide uses, which would exceed the threshold limit, must be discontinued.

Currently these threshold limits and the risk assessment of pesticides in the FQPA appear to be more a matter of EPA policy than of true science. We strongly believe that the utilization of sound scientific and real world data by EPA is essential to the proper administration of this federal act. After looking at Senate Concurrent Resolution No. 1609, introduced by this committee, we believe you must share that concern. The Kansas Secretary of Agriculture has indicated that the \$100,000.00 fund transfer referred to in S.B. 65 would be used to assist in gathering such data in Kansas.

This fund will allow us to begin to accumulate the scientific data needed to intelligently make decisions on future pesticide uses. We would encourage this study to be implemented, and that it includes not only agricultural uses, but urban uses of pesticides as well. We need to ensure that not only is the "risk cup" the right size, but that the pesticide use risks are based in fact.

It seems to me that the judicious use of pesticides not only allows the agriculture community to produce greater quantities of healthy foods enabling us to live longer healthier lives. But also allows those of us in the Pest Control Industry the tools we need to help prevent the potential of life threatening diseases carried by pests that can infest our restaurants, grocery stores, schools, and homes. When viewed in that context, don't pesticides actually enhance our lives?

For these reasons, we encourage you to approve the funding request to gather pesticide use data in Kansas as requested in the bill.

Thank you.
I would be glad to answer questions.

Senate Agriculture
1-27-99
Attachment 2



PUBLIC POLICY STATEMENT

SENATE COMMITTEE ON AGRICULTURE

**RE: SB 65 - Funding a pesticide use survey and
reducing the fertilizer fee fund.**

**January 27, 1999
Topeka, Kansas**

**Prepared by:
Bill R. Fuller, Associate Director
Public Affairs Division
Kansas Farm Bureau**

Chairman Morris and members of the Senate Committee on Agriculture, we certainly appreciate this opportunity today to express support for SB 65. We commend Secretary Allie Devine of the Kansas Department of Agriculture for a plan that provides the funds to conduct the much needed pesticide use survey, and at the same time reduces the fertilizer fee fund.

My name is Bill Fuller. I serve as the Associate Director of the Public Affairs Division at Kansas Farm Bureau.

The farm and ranch members of the 105 county Farm Bureaus have a track record of demanding that pesticides be used safely. Examples of policy adopted by farmer members include these statements:

- ◆ *We do not condone the misuse of agricultural chemicals.*
- ◆ *We support a uniform, safe, effective and scientifically-based system of regulation of agricultural chemicals.*
- ◆ *We support complete and detailed labeling of all agricultural chemicals.*

Kansas Farm Bureau developed, printed and distributed a "**Crop and Pesticide RECORD BOOK.**" More than 12,000 copies were made available to producers directly and through fertilizer/pesticide dealers and grain elevators.

*Senate Agriculture
1-27-99
Attachment 3*

While use of the record book is a tool to improve farm management, a major objective is to protect water quality and the environment.

State and federal agencies are demanding more and more data on the use of pesticides in developing more extensive regulatory programs. In order to preserve the opportunity to continue the use of these important tools of production, it is imperative to Kansas producers that the use data be collected in Kansas, under Kansas weather conditions, farming Kansas soil, using Kansas management practices.

The 435 Voting Delegates attending the 80th Annual Meeting of Kansas Farm Bureau adopted new policy in support of this proposal:

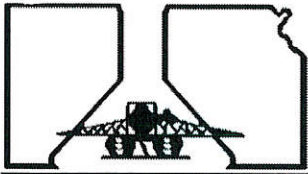
"We support the development of a program within the Kansas Department of Agriculture to track the use of agricultural chemicals in Kansas through voluntary, confidential reporting."

SB 65 also proposes to reduce the \$1.70 per ton fertilizer fee fund. While the \$.03 reduction is modest, it is encouraging that the movement is in the right direction. While it is indeed a rare happening, it is good news when a fee levied by any governmental agency is reduced.

We encourage the committee to approve SB 65 which proposes to utilize \$100,000 from existing fees to fund and conduct a pesticide use survey that will benefit Kansas producers as more regulatory programs are developed.

We will respond to any questions you may have.

Thank you!



KANSAS FERTILIZER &
CHEMICAL ASSOCIATION

Statement

of the

Kansas Fertilizer and Chemical
Association

to the

Senate Agriculture Committee

Senator Steve Morris, Chair

January 27, 1999

KFCA IS COMMITTED TO PROFESSIONAL DEVELOPMENT AND BUSINESS VIABILITY FOR THE PLANT NUTRIENT AND CROP PROTECTION INDUSTRY IN KANSAS.

*Senate Agriculture
1-27-99
Attachment 4*

Chairman Morris and members of the Senate Agriculture Committee, my name is Doug Wareham and I am Vice President, Government Affairs for the Kansas Fertilizer and Chemical Association (KFCA). KFCA is the professional trade association for the state's plant nutrient and crop protection industry. KFCA's over 550 members are primarily retail dealers scattered across Kansas which sell and custom apply crop protection chemicals and fertilizers for Kansas producers. KFCA's membership also includes distribution firms, manufacturer representatives, equipment manufacturers and others who serve the fertilizer and chemical industry in Kansas.

I appear today in support of Senate Bill 65 and respectfully request positive consideration of this bill. Senate Bill 65 will enable the Kansas Secretary of Agriculture to initiate a comprehensive pesticide use survey which we believe will benefit both the Environmental Protection Agency (EPA) and United States Department of Agriculture (USDA) as they work together to implement the provisions of the Food Quality Protection Act (FQPA) which was adopted by Congress in 1996. Our industry has been very concerned about the lack of practical pesticide-use information being utilized by EPA and the apparent lack of involvement by USDA to ensure that new risk assessments for crop protection chemicals are being established using sound science and reliable real-world data.

This bill will help ensure that real world data is available and will help ensure that reliable pesticide residue data is considered before any unnecessary restrictions are placed on crop protection products currently utilized by the production agriculture industry in Kansas. You will recall that last week I requested introduction of a resolution that would urge Congress to direct EPA and USDA to utilize all available sound science and reliable pesticide use data while implementing FQPA. This bill will enable Kansas to submit reliable data and in turn protect against unjustified restrictions caused simply by a lack of information.

Thank you for the opportunity to appear in support of Senate Bill 65 and I would be happy to answer any questions you might have.